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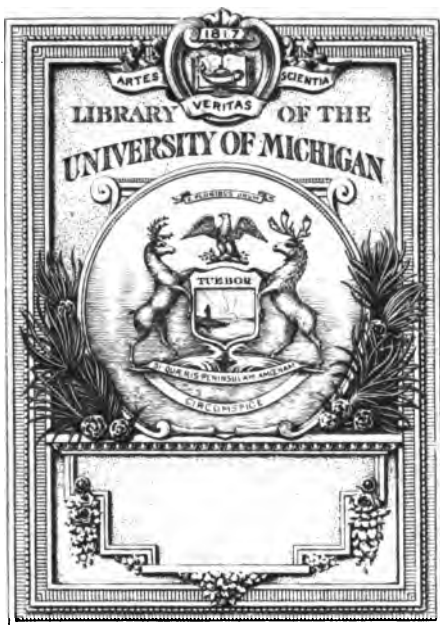
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DOCUMENTS

ACCOMPANYING THE JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

OF THE

STATE OF MICHIGAN,

AT THE

ANNUAL SESSION OF 1848.



Lansing:

BAGG & HARMON, PRINTERS TO THE STATE.

1848.

12.0

REPORT OF SELECT COMMITTEE ON CONTESTED SEAT FOR CHIPPEWA COUNTY.

The Select Committee appointed to examine and report upon the claims of Andrew Harvie and Henry M. Dodge, severally, asserting the right to a seat in the present House of Representatives, as the member from the county of Chippewa, and invested with power to send for persons and papers, having proceeded to the investigation of the subject matters thus referred to them, in the presence of the respective claimants and their counsel, and having fully considered the evidence adduced, consisting of admissions by the claimants, documentary evidence, and the testimony of witnesses duly sworn before them, have instructed me, as their chairman, to report the following state of facts :

It is conceded that the county of Chippewa originally embraced the unorganized counties of Marquette, Houghton, Schoolcraft and Ontonagon, and that the township of St. Mary was co-extensive with the county of Chippewa. It also appears, by Act No. 64, of the Session Laws of 1847, that provision was made for the organization of a township in each of those new counties, and by section 12, of said Act, that the township of St. Mary was restricted to the territorial limits of Chippewa proper. It also appears, that a general election was holden on the second day of November, 1847, for the township of St. Mary, at the Saut de Ste. Marie, and that the claimants, Andrew Harvie and Henry M. Dodge, were candidates for the office of Representative for Chippewa county.

By the admissions of the claimants, the following facts were established, viz : That Henry M. Dodge, was, at the time of said election, the Township Clerk of St. Mary; and as such, that he sat upon the Board of Inspectors of the election, and signed the Inspector's return produced before the committee, and marked Exhibit (A.) Also, that said Dodge was, at the time of said election, the County Clerk

of Chippewa county, having been elected to that office at the general election in November, 1846, and, as such County Clerk, that he prepared, signed and authenticated, so far as the same is done, the statement of the Board of County Canvassers, produced before the committee, and marked Exhibit (B;) said statement being received by the committee, subject to objections.

Also, that said Harvie had held the several offices of Prosecuting Attorney, and Master in Chancery, and Notary Public, for the county of Chippewa; but that on the last day of October, or the first day of November, 1847, he divested himself of said offices by a resignation thereof, signed by him, and forwarded to the Executive. The fact that St. Mary was the sole township in Chippewa county, was also admitted.

And your committee further report, that by the Inspectors' return, above referred to, (marked exhibit A,) it appears that the whole number of votes given for the office of representative at said election, was one hundred and twelve; that fifty-six of them were given for Henry M. Dodge; that fifty-five of them were given for Andrew Harvie, and one of them was given for H. M. Dodge. The tally list produced before us, (marked Exhibit C,) and received without objection, establishes the same fact.

The Inspectors' return, (Exhibit A,) also shows that, of the votes cast as above, twenty-four containing the name of Henry M. Dodge, for Representative, were irregular in this: that they contained the names of Alvin N. Hart, Edward H. Thompson and James McCabe, for Senators, without designating either to fill the vacancy: Said return also shows the fact that, "after a comparison of the poll list and the ballots taken from the box, and after a canvass of the votes was commenced, it was found by the Board, that there was one more ballot in the box than there were names of voters on the poll lists, which lists contain one hundred and thirteen names." But the return states, in continuation, "consequently, the whole one hundred and fourteen ballots were canvassed, and the names thereon are all included in these returns." Reference may be had for accumulative evidence, to the tally list, (Exhibit C;) to the statement purporting to be the return of the county canvass, signed by George Johnson, as chair-

man and sole member of said Board, (Exhibit D;) as also the deposition by the same (marked Exhibit K,) Seemingly conflicting with the above, is the deposition of Wm. P. Spalding, (marked Exhibit E.)

By the depositions of George Johnson, and P. B. Barbeau (exhibit K.) it appears that the inspectors adjourned their official canvass to the third day of November, 1847, after first examining and counting the ballots, on the day of election, and that "the ballot box containing all the votes polled, together with the key thereof, without any seal in or upon said box, was in the exclusive possession and custody of the said Dodge, from Tuesday evening, 2nd November, at about 8 o'clock, till the morning of the following day."

And your committee would further report that by the several affidavits of William Rood, James Marsden, John Remington and Chas. Durell, produced before said committee, and respectively marked Exhibits F. G. H. I., and by the testimony of Lawrence S. Warner, it appears that the said Rood, Marsden Remington and Durell, appeared at the polls of said election, and each presented to the board a ballot containing (among others) the name of Henry M. Dodge for Representative—that a majority of said board refused to receive said votes, that thereupon each of them offered to take the oath required by the statute, which oath said board refused to administer, upon the ground of the non-residence of each of them; they having been mustered into the service of the United States as volunteers in the Brady Guards at Detroit, Wayne county, in June, 1847, and as soldiers of the army sent to the Saut. de Ste Marie, and occupying the garrison as such soldiers, did not, in the opinion of the board of inspectors, thereby acquire a residence in the township of St. Mary. From the testimony of Mr. L. S. Warner above referred to, it appears that neither of the four persons above named, had been residents of the township of St. Mary prior to the time they were stationed there as soldiers in garrison: They were residents of Michigan in the Lower Peninsula when mustered into army service.

And your committee would further report that, by the testimony of Elisha G. Seymour, the member of the last House of Representatives, for the county of Chippewa, it appears that intelligence of the passage of act No. 64, at the session of 1847, did not reach the Saut.

Ste Marie until about the middle of May, and that the same did not reach the new counties, in this report before named, in season for the organization provided for by said act, at the time therein directed, and consequently no such organization was had.

By the depositions of Samuel Johnson, Justin Shapley and Russel A. Coe, produced before the committee, and marked Exhibits L. M. and N., and by the testimony of L. S. Warner, it would appear that the said Johnson, Shaply, Coe and others come down in the propeller from those unorganized counties, and tendered their votes at the polls of said election, containing (among others) the name of Andrew Harvie for Representative; claiming that the township of St. Mary, still embraced within its limits those unorganized counties, and alleging that the act No. 64, above alluded to, having become inoperative for its main purposes, the 12th section thereof, confining the limits of said township within the county of Chippewa proper, became void also. They were challenged on the ground of non-residence, and the board of inspectors together with the candidate Andrew Harvie, having expressed the opinion that said section 12, was operative, they declined taking the oath, and did not vote.

By the deposition of Lowel W. Tinker, marked Exhibit O., and testimony of L. S. Warner and Timothy S. Smith, it appears that Daniel Olds, A. J. Averill, Capt. of the propeller, T. C. Owen and Ira Owen, voted at said election—the said T. C. Owen swearing in his vote; and from the evidence it appears that the said Olds, Averil and T. C. Owen, by their own statements voted a ballot containing (among others) the name of Henry M. Dodge, for Representative. And the said Tinker deposes that the said Ira Owen voted a ballot similar to that of his brother, T. C. Owen, as deponent is informed and verily believes, (Exhibit O.) It further appears from the testimony that said Olds was the Mate, and engaged in sailing the propeller on Lake Superior during the past season—said Averill being the Master thereof—that said propeller arrived at the Saut de Ste Marie during the election—that said Olds resides and has resided for twelve or fourteen years, about three miles from the mouth of St. Joseph river, in the county of Berrien, where he

and his brother Albert Olds, own lands or improved farms—that said Olds, on arriving there, stated to witness Smith and others, that he happened there at the Saut de Ste Marie, just in time to vote, *on his way home*; he found the polls open, and that the claimant Harvie, by the count that had been kept, would have had *one* majority had not he and those with him voted, and turned the scale in favor of Mr. Dodge, the other candidate for Representative. From the deposition of L. W. Tinker, (Exhibit O.,) it appears that A. J. Averill, the Master of the propeller, is a citizen of the State of Illinois, and resides in the city of Chicago, in said State, and that said Averill did not arrive within the State of Michigan until after the tenth day of May, 1847, having then reached the Saut de Ste Marie for the purpose, as he stated, of taking charge of the propeller "Independence" during the season of navigation—that said Averill did sail said propeller till about the twenty-fifth day of November, when he left the said county of Chippewa and returned to Chicago.

By Exhibit O, it is also made to appear, that T. C. Owen, one of the voters above named, arrived at the Saut de Ste. Marie about the tenth of May, 1847, and engaged in keeping a store, and continued thus employed until the latter part of October, 1847, when he sold off his goods at auction, with the avowed intention of removing from said place—that on the 31st of October, 1847, said Owen "took passage on the steamboat "Samuel Ward," and departed for Detroit or St. Clair river, for which places said boat was bound, with the avowed intention of leaving the said Saut de Ste. Marie." From the same deposition, and the other testimony, it appears that said steamboat "Samuel Ward" unexpectedly returned from Mackinaw to the Saut de Ste. Marie, on the second day of November, 1847, having said Owen on board, as a passenger—that said steamboat remained about two hours there, during which time said Owen voted as above stated—that the boat then departed with the said Owen on board of her. Said Owen stated to the Board, when challenged, that he was going to Newport to purchase provisions to return with in the spring.

From the same deposition, [Exhibit O,] and from the testimony of L. S. Warner, it appears that Ira Owen was, during the season of navigation in 1847, mate on board of the steamboat "Samuel Ward,"

and "had not been a resident of said Saut de Ste. Marie for some months next preceding the general election of November, 1847:" that for most of the season said steamboat was engaged in the navigation of Lake Erie, but became a trader to the Saut de Ste. Marie from about the first of September. In regard to both of said Owens said deposition alleges, "that both the said Owens have families, but that the family of neither of them resided at said Saut de Ste. Marie for several months next before said general election—that the place of residence of said Owens and their families, is some where on the river St. Clair."

The evidence from which the preceding state of facts is collated, was produced before the committee by the respective claimants, and offered either with or without objections, as follows:

Exhibits A and C, offered by Mr. Dodge, and received without objections. Exhibit B, offered by Mr. Dodge, and received subject to the objection, by Mr. Harvie, that it was not properly signed and authenticated.

Exhibit D, offered by Mr. Harvie, objected to by Mr. Dodge, and received subject to objection not authenticated. Exhibits E, F, G, H, I, J, offered by Mr. Dodge, objected to by Mr. Harvie, and received subject to objections.

Exhibit K was offered by Mr. Harvie, and received without objection; as also Exhibits L, M, N, O.

Exhibit P, offered by Mr. Dodge, received without objection.

The witnesses Warner, Smith and Seymour, were produced before the committee by Mr. Harvie.

Upon closing the evidence of which the preceding is a summary, the claimants had leave to appear, by counsel, for argument, and the following points were submitted by Mr. Goodwin, in behalf of Mr. Harvie.

POINTS ON ARGUMENT.

1. Mr. Dodge as County Clerk of Chippewa county, was ineligible to a seat in the Legislature. [Cites art. 4, sec. 8 of Constitution of Michigan.]

2. Mr. Dodge, having been an inspector of the election, received the box containing the ballots and the key thereof before the canvass

was closed, in violation of law, and cannot take his seat. [Cites Rev. Stat., p. 44, 45, sec. 2, p. 16 and 17.]

3. There were too many votes in the box : one should have been drawn out according to law. This not being done, Mr. Dodge cannot claim the seat.

4. Soldiers retain their residence where domicilled at the time of enlistment, and did not become residents of Chippewa county by being garrisoned there. [Cites Constitution, art. 2, sec. 6, for illustration.]

5. Twenty-four of the ballots containing the name of Mr. Dodge for Representative, not designating the person voted for to fill the vacancy in the office of Senator, should not have been counted. [Cites Rev. Stat. p. 43, sec. 5, 8 and 9.]

6. The three votes from the Upper Peninsula should be allowed to Mr. Harvie, they having desisted from voting under the advice and opinion of the board.

7. There were four illegal votes cast for Mr. Dodge.

The following facts were submitted by Mr. Peck in behalf of Mr. Dodge, as the converse of those submitted by Mr. Goodwin :

1. It was the intention of the Constitution to exclude only state officers and officers of the United States from election to the Legislature. [Cites Constitution, art. 6 and 7, &c.]

2. 3. Mr. Dodge was the minority on the board of inspectors, and is not responsible for its acts.

4. The board should have administered the oath to the soldiers when desired. The board had no discretion to exercise as to receiving votes if sworn in. Those soldiers were residents of the state before enlistment.

5. The ballots were erroneous only as to the office of Senator.

6. If the voters from the Upper Peninsula for any reason refused to take the oath when tendered, their votes cannot be counted for Mr. Harvie.

7. As to the votes of Averill, Olds, T. C. and J. Owen, alleged to have been illegal, the evidence to prove for whom they voted is unsatisfactory and insufficient.

By reference to rule 34 of the House, it will be seen that "select

committees to whom reference "shall be made, shall, in all cases, report a state of facts, and their opinion thereon, to the House."

The "state of facts" required by this rule, your committee have attempted to present in the preceding pages of this report, together with the points taken in argument. The limits of a business report, together with the general anxiety manifested to bring this matter to an early decision, preclude the idea of fortifying any opinion we may venture to give, with the reasons therefor, in extenso. We shall therefore present but a condensed opinion, and cheerfully submit the whole matter to the intelligence and justice of the House. For convenience of reference and arrangement, we have been induced to change the order in which the points stand arranged by counsel, and to consider the first point made as the last.

Upon the second point made, the committee are unanimous in the opinion, that the possession of the ballots, box and key by Mr. Dodge, in the manner above stated, however imprudent the act on his part, affords no basis for the action of this house in the premises; especially where no attempt is made to show a change in the result of the final canvass, arising from such possession. The proof is positive that the count, at the closing of the polls, and the canvass the next day agree. If an offence was committed, the corrective should be applied to Mr. Dodge, elsewhere in his character, of inspector of elections, and not of claimant to a seat in this House.

Upon the third point made, the committee are also unanimous in the opinion, that although the board of inspectors failed in the discharge of their duty in not drawing a ballot from the box and destroying it, when the excess was discovered, yet, as it is impossible to determine which claimant such drawing would have benefited, so it would be equally impolitic and wrong, as in the preceding instance, for the House to attempt the punishment of a township officer here.

Upon the fourth point made, the committee are also agreed in opinion, that so far as the issue made between these claimants is concerned, it is entirely immaterial now, whether those soldiers were able to acquire or had acquired a residence within the township of St. Mary, or not: or whether the said board of inspectors should have administered the oath and received their votes or not. In no contingency can the votes they intended to, but did *not* give,

be counted to either claimant. The converse of this proposition would, in practice, be hazardous in the extreme, and a manifest breach of law. Were we now to determine the action of the board, to have been clearly erroneous, it would advance the rights of neither, but might prejudice the claims of both.

Upon the fifth point made, your committee also concur in opinion, that the requisition of the statute, that the names of all persons voted for, should be placed upon one ballot, was purely a regulation for convenience, and that in placing the names there and designating the office to be filled, an irregularity as to one office or candidate could not invalidate a ballot otherwise regular, except *pro tanto*. The twenty-four ballots alluded to were valid and were properly counted and allowed upon the canvass, except as to the office of *Senator*.

Upon the sixth point, the committee are equally agreed, that the three electors from the Upper Peninsula, having declined taking the oath when tendered, under challenge, were rightfully denied the privilege of voting: and having failed to vote, for any reason whatever, neither claimant can be benefitted by their intentions.

Upon the seventh point made, the committee are unanimous in opinion also. It is proved past doubt, that Daniel Olds, J. A. Averill, T. C. Owen, and Ira Owen all voted at the election held at the Sault de Ste Marie, on the 2d November, 1847. But no presumption arises from that fact as to which of the claimants they voted for. The testimony of Mr. Warner, Mr. Smith, and Mr. Tinker, clearly establishes the fact that the three first named voters, informed them personally that they voted for Henry M. Dodge for Representative: That such proof before a legislative body is relevant and competent, the majority of the committee believe cannot be doubted, and in their view is sufficient if uncontradicted. The proof in the opinion of the committee as to the non-residence of two if not three of said four voters, is clearly and fully established. The majority of the committee are therefore agreed, that their votes should be regarded as illegal, and should be deducted from the number counted to Henry M. Dodge in the canvass.

Upon the first point made, and the last in the order of arrange-

ment adopted by your committee, they can give at present but a minority opinion, as one member of the committee has been prevented by indisposition from entering upon this investigation at all, and two of the remaining members not feeling at liberty to give an opinion in the premises. The provision of the constitution, under which this point has arisen, is contained in sec. 8, art. 4, and reads as follows :

“No person holding any office under the United States, or of this state, officers of the militia, justices of the peace, associate judges of the circuit and county courts, and postmasters excepted, shall be eligible to either house of the legislature.”

The main question arising under this restrictive clause of the constitution, is one of construction as to the proper range and extent of the inclusion: Were the framers of our organic law, acting in reference to an existing state of things, and the tenure by which offices were then held? Or were they providing for a new state of things—prescribing regulations for new offices about to be established, and defining the qualifications of candidates for the offices created by, and to be filled under the new organization? It is worthy of remark here, that at the time of the adoption of the section under consideration by the convention, Michigan was not a State—there were no officers of State, and no Houses of the legislature. And yet, this very section, by its language, pre-supposes a separate State organization—the establishment of offices thereunder, and the existence of a legislature consisting of different branches or Houses. Again, if we look at the exception contained in the section, we shall find that provision is made in the constitution itself for the election or commissioning of three classes of the officers enumerated. Is it not idle, then, to contend that the section under consideration had reference to an existing state of things, and to offices created and filled under a territorial government, then vanishing, and destined to become extinct by the adoption of the new constitution, containing the identical proposition now under consideration? It appears to us, that this section had its inceptive operation when the constitution was adopted, and thenceforth became a substantive rule of action to the electors, in the choice of candidates for office.

The force and true effect of the word “eligible,” appears to us equally clear. Springing from the same root, it of course has the same signification with its synonyme “elected,” and necessarily im-

plies and requires in the candidate certain qualifications rendering him "fit to be chosen." The want of eligibility in the candidate, precludes the choice of the elector from falling upon him, and renders void, from its very inception, every vote cast for him.

In aid of the foregoing conclusions, the minority of your committee would beg leave to refer to what appears to have been the obvious intention of the framers of the constitution. What was the evil they apprehended might arise; and what was the corrective by them devised and prescribed? Clearly they apprehended that the incumbent of office being a candidate for either House of the legislature, might, by "the appliances of station," give himself a factitious importance—exert an undue influence over the freedom of choice in the elector, and indirectly, at least impair the purity and integrity of the elective franchise. They must have foreseen that the evil they feared might annually occur, and in the section now being considered framed the remedy for equal duration, and co-extensive application. Certainly, then, the section still applies, with undiminished force to the incumbent of "any office of *this State*," not included in the exception, and by it the validity of the votes cast must be tested. To suppose that a disability at the election under this section, can be subsequently removed by the member elect, would render the provision entirely nugatory, as a corrective.

If the foregoing conclusions are correct, then, in the opinion of the minority of your committee, there remains but one further question of importance on this branch of the case, and that is, what are the "offices of *this State*," legitimately embraced in this constitutional inhibition? Upon this question, a diversity of opinion may arise. In the broad sense of the term "every constitutional office, and every office created by legislative or statutory enactment, the functions of which are to be discharged by a citizen, are "offices of *this State*." But for the purposes of this investigation, it is fortunate that the exception contained in the section itself, gives point and range to its application. All persons holding State offices proper, and all persons holding offices filled by appointments, commissions or licenses, under the hand of the Governor, are obviously included, else, what was the necessity of specially excepting militia officers, commissioned by the Governor? To show that officers denominated county officers are

included, "Associate judges of the circuit and county courts" are specially excepted. To show that officers denominated township officers are included, we find justices of the peace specially excepted. Is it not then manifestly true, that the exception defines the rule, and that the *exclusion* of one of an equal grade or class, necessarily implies the *inclusion* of the remainder. If then the petty office of a justice of the peace, would have disqualified a person for the office of Representative but for the special exception: is it not to be deemed settled, that a county clerk without the exception, is not eligible to the House? If the appliances of a township office are to be deemed dangerous in the hands of a candidate for Representative honors, by how much more dangerous would be the appliances of a county officer, whose powers and duties not only reach to the limits of the representative district, but who, ex-officio, is constituted by statute, an officer of the State, discharging many important functions of the State government proper?

As the case under consideration does not require the expression of an opinion as to any office not created by and recognized in the constitution, and as doubts may perhaps be well entertained as to the inclusion of offices purely statutory or municipal, the committee would not wish to be understood as giving an opinion in regard to those offices.

The constitution recognizes the office of county clerk, and provides for the election of that officer by the electors of the county. The office then is not the creature of statute law, or municipal regulations. It is an office of this state, within the scope and meaning of the section now under consideration. Such being the views of the minority of your committee, they have no hesitation in giving their opinion that the votes cast at the general election, Nov. 2, 1847, in the township of St. Mary and county of Chippewa, for Henry M. Dodge, for Representative were void, said Dodge being at the time county clerk of Chippewa county, and as such, not eligible to either House of the Legislature.

F. J. LITTLEJOHN,
Ch'n Select Committee.

HOUSE. }
No. 2. }

} LEGISLATURE,
1848.

EXECUTIVE OFFICE, }
Michigan, January 21, 1848. }

To the House of Representatives :

In compliance with the resolution of the House of Representatives of the 20th instant, requesting "a report of the disbursements made under the appropriation of the Legislature of 1847, by virtue of a joint resolution entitled 'joint resolutions on the existing war with Mexico,' approved February 13, 1847," I transmit a report from the Auditor General, and the document by which it is accompanied.

EPAPHRO. RANSOM.

AUDITOR GENERAL'S OFFICE, }
Michigan, January 21, 1848. }

To the Governor of the State of Michigan :

The Auditor General, to whom was referred a resolution of the House of Representatives, dated the 20th instant, by which it was "Resolved, That the Governor be, and he is hereby requested to transmit to this House 'a report of the disbursements made under the appropriation of the Legislature of 1847, by virtue of a joint resolution entitled 'joint resolutions on the existing war with Mexico,' approved February 13, 1847," has the honor to lay before the Governor a statement of the disbursements made under the joint resolution referred to, being a schedule of the orders drawn by the Governor of this State, at various times, against the said appropriation.

Very respectfully, &c.,

H. L. WHIPPLE,
Dep. Auditor General.

Statement of Disbursements made under Joint Resolution No. 9, approved February 13, 1847 :

Nov. 1, 1847.

	P'd Gov. Greenly's order in favor of T. B. W. Stockton, \$25 00				
11	do	do	do	do	Lt. S. Chadwick jr., 200 00
12	do	do	do	do	Capt. G. N. Buel, 268 50
16	do	do	do	do	do A. H. Hanscom, 100 00
16	do	do	do	do	do G. N. Buel, 75 00
16	do	do	do	do	do Daniel Hicks, 300 00
17	do	do	do	do	do G. N. Buel, 178 35
24	do	do	do	do	do A. H. Hanscom, 500 00
26	do	do	do	do	do G. N. Buel, 66 76
26	do	do	do	do	Col. T. B. W. Stockton, 276 00
26	do	do	do	do	Capt. F. W. Cortenius, 605 30
26	do	do	do	do	John Hull, 39 74
26	do	do	do	do	Capt. I. S. Rowland, 200 00
27	do	do	do	do	do N. Greusel, jr., 658 61
29	do	do	do	do	do F. W. Cortenius, 337 94
30	do	do	do	do	Lieut. E. Wright, 51 50
30	do	do	do	do	Capt. G. N. Buel, 50 00
30	do	do	do	do	Lieut. John C. Denel, 400 00
30	do	do	do	do	Capt. A. H. Hanscom, 200 00

December.

1	do	do	do	do	Capt. W. W. Deane, 394 04
2	do	do	do	do	do D. Hicks, 100 00
2	do	do	do	do	A. S. Williams, 18 00
2	do	do	do	do	Lieut. W. L. Whipple, 63 00
3	do	do	do	do	Capt. W. W. Deane, 160 00
3	do	do	do	do	Lieut. Delos Davis, 120 00
3	do	do	do	do	do J. M. Stewart, 250 00
3	do	do	do	do	Capt. D. Hicks, 450 00
3	do	do	do	do	John Murray, 111 00
13	do	do	do	do	Capt. I. S. Rowland, 50 00
14	do	do	do	do	John Murray, 17 50
14	do	do	do	do	Davil Smart, 419 50

No. 2.—HOUSE OF REPRESENTATIVES.

3

15	do	do	do	do Lieut. J. M. Stewart,	400 00
15	do	do	do	do Capt. Van Arman,	400 00
15	do	on his receipt, a copy of which is hereto annex'd,			2514 26
					<hr/> \$10,000 00

COPY OF GOV. GREENLY'S RECEIPT.

EXECUTIVE OFFICE, }
Detroit, December 15, 1847. }

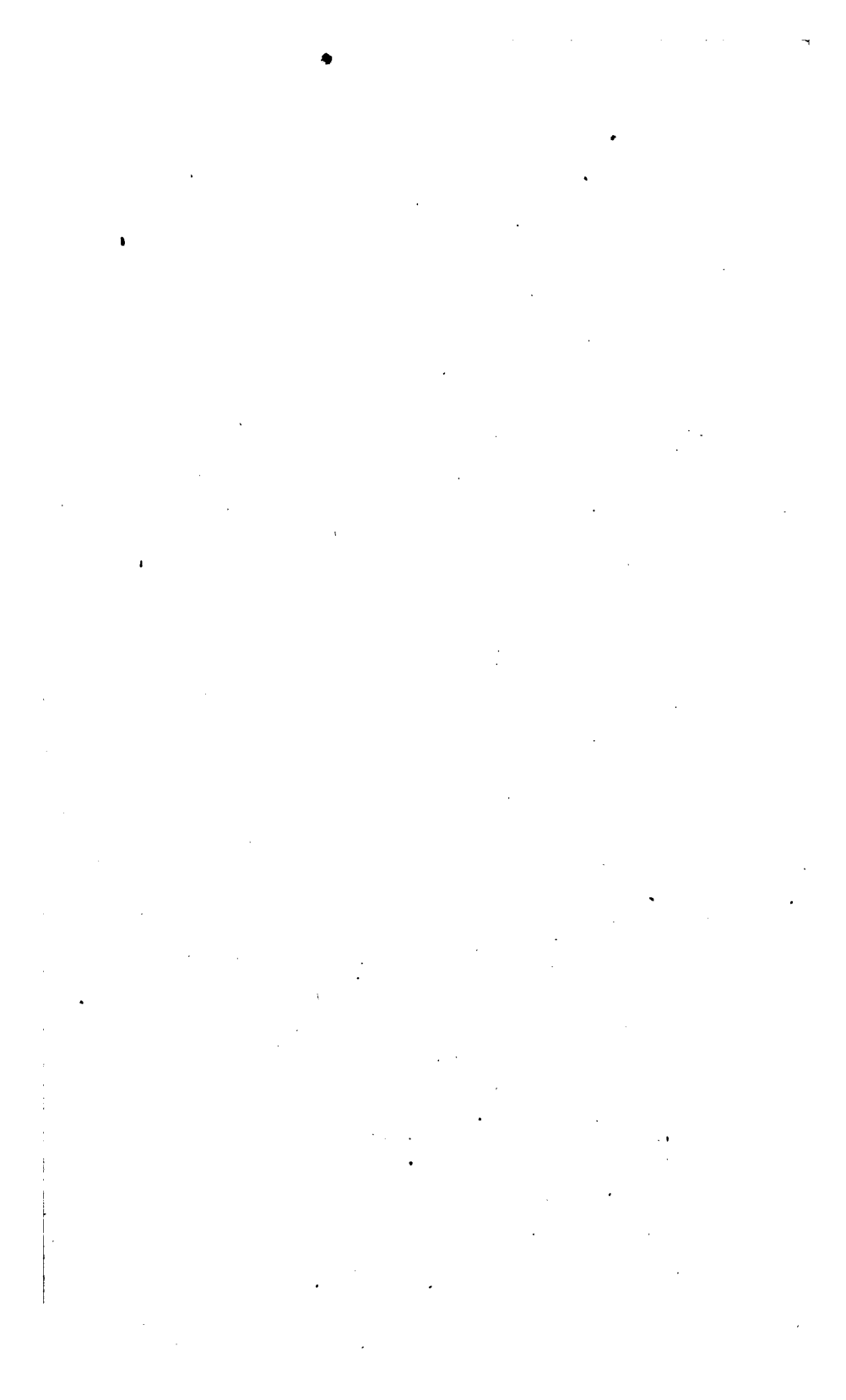
Received of G. B. Cooper, State Treasurer, two thousand five hundred and fourteen 26-100 dollars, being the balance of the ten thousand dollars appropriation, made by joint resolution entitled joint resolutions on the existing war with Mexico, approved February 13, 1847, which remains unexpended at this date.

WM. L. GREENLY. }

AUDITOR GENERAL'S OFFICE, }
Michigan, Jan. 21, 1848. }

I hereby certify that the above is a correct statement of the disbursement of the ten thousand dollars appropriated by joint resolution No. 9, approved February 13, 1847, as appears from the orders and receipt of Gov. Greenly, on file in this office.

H. L. WHIPPLE,
Deputy Auditor General.



REPORT ON JOINT RESOLUTION RELATIVE TO CONSTRUCTION OF THE CLINTON AND KALAMAZOO CANAL.

The committee on federal relations, to whom was referred a joint resolution relative to the construction of the Clinton and Kalamazoo Canal, respectfully report :

That the resolution proposes to request and instruct our delegation in Congress, to endeavor to obtain for this State, to aid in the construction of said canal, a grant of lands from the general government, upon the basis of a bill which has heretofore passed the Senate of the United States. That bill provided for a grant of alternate sections, four miles wide, on the line of our principal works of internal improvement. That such an appropriation, at this time, would be of vast benefit to the State, and sound policy on the part of the federal government, your committee cannot doubt.

The practice of donating lands by Congress to the new States, for purposes of internal improvement, has been frequent and settled for near half a century. Such grants are a powerful means of promoting the sale of the unceded lands. In this country thousands are desirous of farms, and capable of improving them, who cannot command money to make the purchase. By prosecuting public works, under appropriations of land, issuing a scrip payable in land, much of which passes to the hands of the laborer, he is enabled to exchange his capital, which is industry, for a farm which becomes his home; locations and improvements are made, immigration is drawn in that direction, contiguous lots are called for, and settlements press and spread forward with a compound progression. If the work in progress happens to be in the vicinity of the unsold lands, it tends to enhance their value and insure their sale.

These views are peculiarly applicable to the proposed grant. The United States own in the lower peninsula of Michigan, twelve or fifteen millions of acres. These lie mainly in that section where the works now owned by the State, or in contemplation, are located. The completion of these improvements would open that immense and unsettled, but rich and fertile region, almost solely owned by the general government, to the navigable waters of the lakes and the markets of the east. Indeed, the great obstacle to the settlement of this country is its difficulty of access and its distance from market. As a great landholder, the United States would consult its true interest by encouraging these works, by aiding liberally in their construction, by appropriating a small portion of this immense property to render the residue valuable and vendible. An individual of ordinary sagacity, in like circumstances would adopt this policy and thereby promote his private interest.

This State has peculiarly strong and equitable claims upon Congress, for additional and liberal grants of the public domain. When our system of internal improvements was projected, about twelve years ago, the United States owned the soil of three-fourths of the entire peninsula. The system, which was on a large scale, embracing the various sections of the State, caused a rapid sale of the public lands within our borders. The expenditure of several millions by the State was in fact for the joint benefit of this untaxed landlord and our own inhabitants—chiefly for the former. The advantages to our people were prospective, and have never been fully realized—the benefit to the general government was positive, immediate and important. The burden is entirely upon this State. Unable to complete the system and secure the anticipated returns, we have still to meet the exigency by heavy taxation.

Over \$500,000 have already been expended upon the works still owned by the State, which, without the proposed aid, will be a total loss. With such assistance it is confidently hoped they can be finished and made available. Experience proves that lands can be used profitably in this way.

Our nearest neighbors, Ohio and Indiana, have shared largely the liberality of the general government. The former, with an area hardly equal to the lower peninsula alone, and a third less

than the entire State, has received from Congress for internal improvement, considerable over a million of acres. Indiana, also less in extent than Michigan, has received from the same source for the same purpose, more than a million and a half of acres—upwards of three fold the quantity granted to this State for that object.

Under these circumstances, your committee believe that Congress cannot, with a proper regard to equity and consistency, withhold the grant contemplated by the resolution. On every principle of justice and policy, we are authorized to ask and to receive.

The resolution is reported back with an amendment and its passage recommended.

H. STONE, *Chairman.*

E. L. CLARK,

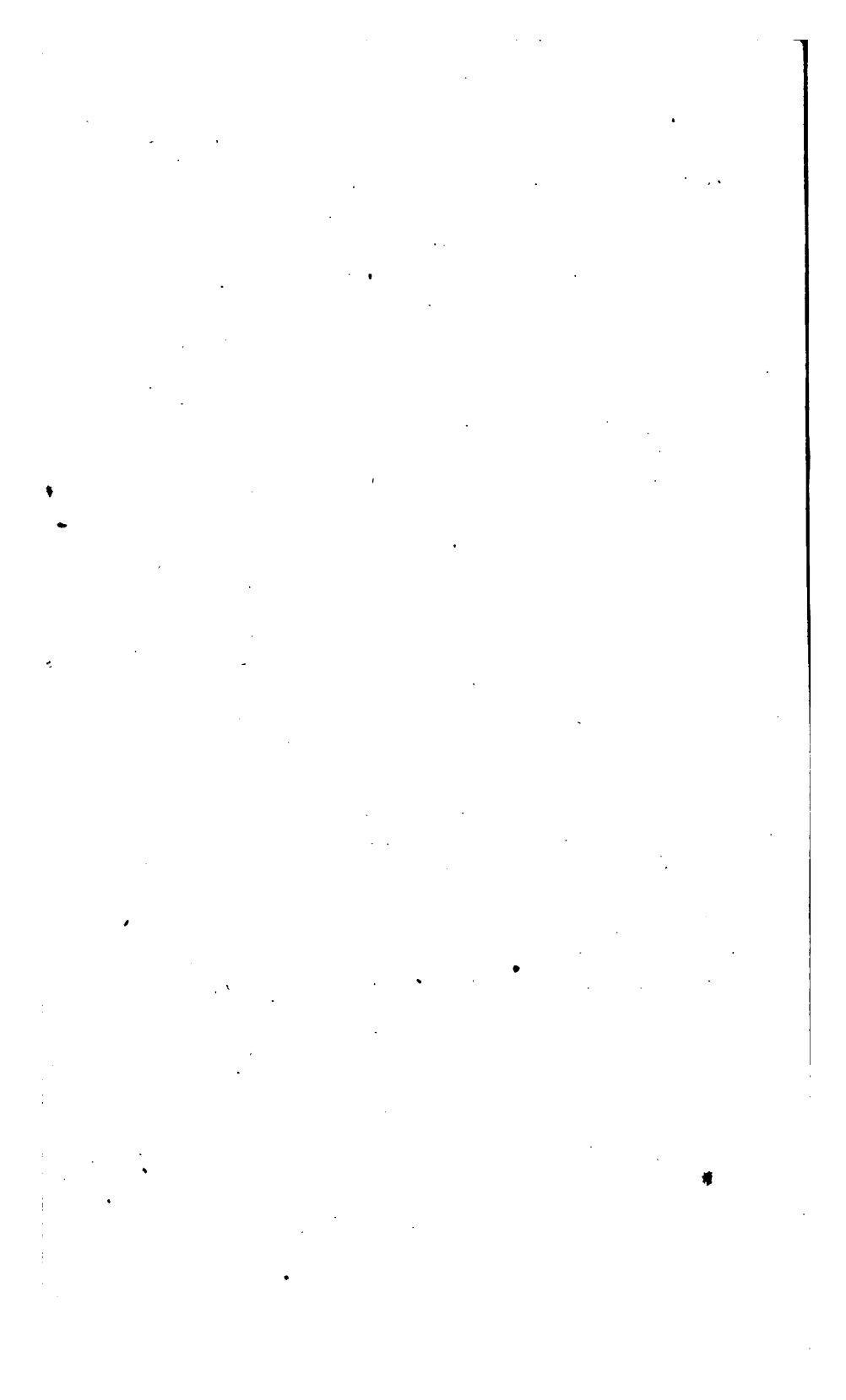
R. B. DIMOND,

J. P. KING.

Joint Resolution relative to the Public Works of the State of Michigan.

Resolved, by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be and they are hereby requested, to endeavor to obtain from the general government a grant of alternate sections of land on the line of our unsold public works, to aid in their construction, upon the basis of a bill that has heretofore passed the Senate of the United States.

Resolved, That his Excellency, the Governor of this state, be and he hereby is requested to transmit a copy of said resolution to each of the Senators and Representatives in Congress, from this state.



REPORT OF THE ATTORNEY GENERAL RELATIVE
TO THE TITLE TO THE CAPITOL BUILDING AND
GROUNDS IN THE CITY OF DETROIT.

To the Legislature of the State of Michigan :

In obedience to a joint resolution approved March 17, 1847, by which the Attorney General was requested to examine into the title of the State to the building then occupied by the Legislature, and to the lot on which the same is situated, and report the facts and his opinion thereon to the next legislature, the undersigned respectfully reports :

That in 1805 the Territory of Michigan was organized, and the seat of government established at Detroit. In June, 1805, after the organization of the Territory, the old town of Detroit was consumed by fire, and in 1806 the Congress of the United States passed an act, authorizing the Governor and Judges of the Territory to lay out a town, including the whole of the old town of Detroit and ten thousand acres adjacent, except such parts as the President of the United States should direct to be reserved for the use of the military department ; authorizing them to examine and finally adjust all claims to lots therein, and give deeds for the same, to grant to every person or his legal representatives, who, not owing allegiance to any foreign power, and being above the age of seventeen years, did, on the 11th day of June, 1805, when the fire occurred, own or inhabit a house in the same, a lot in said town.— This act provided that the land remaining of the said ten thousand acres, after satisfying the aforesaid claims should be sold by the Governor and Judges, and the proceeds thereof applied by them *towards building a court house and jail in the town of Detroit.* Under this act the Governor and Judges in 1807, laid out the city of Detroit, and a plan thereof was, on the 18th day of April in that year, by them adopted and made a public record. This plat exhibits

several pieces of ground, marked thereon "sections" and numbered from one to thirteen. These pieces of ground for the most part, and such is the case with section eight, upon which the capitol, as it has been of late called, stands, are not surrounded by streets, but appear to be open spaces of different forms and sizes, and upon which the lots of the city are bounded.

The purposes for which these sections were designed are not marked on them, nor do they appear from the map, nor from any thing accompanying it. Out of the proceeds of the ten thousand acre tract a jail was built in 1819 upon section seven, and in 1824, from the same fund, the building in question was erected on section eight. After its completion the Territorial legislature held its sessions in it; the convention which framed the constitution set there; upon the organization of the State Government the legislature assembled there and continued there to hold its sessions until the removal of the seat of government.

By the 3d section of an act of Congress approved August 29, 1842, it is enacted, that any land or other property, remaining, *except the court house and jail* created under the act of 1806, after satisfying all just claims provided for in the first section of that act, is vested in the mayor, recorder and aldermen of the city of Detroit.

The foregoing is a summary, but I believe correct, statement of the enactments of Congress, and of the acts of the Governor and Judges having a material bearing upon the question submitted to me. That question is, what title has the State to this lot and building? I have not been able in any view I have taken of the facts in the case, to come to the conclusion that the State has or ever had any title to either.

The next year after the organization of the territory, and the establishment of its seat of government at Detroit, Congress made the provision above referred to, for the erection of a court house, and directed it to be built at the seat of government, or in other words, in Detroit. It was beyond question, to be built *for the accommodation of the territorial judges*, and other territorial officers—*officers of the general government*; it was to be built out of money derived from sale of *government lands*; it was to be built upon

grounds belonging to the government, to be designated for that purpose by the Governor and judges of the territory, who, for this purpose were the mere agents of the government. Such were the purposes and the means for, and by which this building was erected, and, so it was used during the territorial government.

How did this state acquire ~~any title to this property?~~ We have it not by any grant from the general government. We have not been in possession long enough, if that possession be adverse, and if it could avail us any thing against the government, (which it could not,) to make it the basis of title.

Whether this property belongs to the general government; or, whether by the laying out of the town of Detroit, by the Governor and judges, under the act of Congress of 1806, and the sale of the lots fronting on this piece of ground, it then being one of the open public spaces designated upon the town plat, it was dedicated to the public, does not come within the scope of this inquiry. I will, however, say that the supreme court of this state, in the case of *Briscoe and another, vs. the auditors of the county of Wayne*, has determined that the jail in Detroit, which, as we have seen, was built under the same authority, by the same means and under the same circumstances, was a nuisance, public and private, upon the ground that it was built upon one of these open spaces—a decision unquestionably correct, and founded upon well settled principles of law, unless there should be something in the circumstances of the case, growing out of the express direction contained in the grant of these lands, to appropriate a part of their proceeds to the erection of a court house and jail, for the use of the general government, *in the town of Detroit*, to take it out of the operation of these principles.

Did the government intend that these buildings should be put upon grounds dedicated to the public or to the town of Detroit? or, did it intend that the ground upon which they might be built should be reserved, and still remain the property of the general government? This, however, is a question between the city of Detroit and the government—a question perhaps not much considered in the decision of the supreme court above referred to; but one upon which the act of Congress of 1842 would seem to be expres-

sive of an opinion of that body, that the title to these pieces of ground was reserved by and remains in the general government.

Very respectfully,

E. MUNDY,
Attorney General.

ATTORNEY GENERAL'S OFFICE, }
Michigan, January 24, 1848. }

**REPORT OF COMMITTEE ON INTERNAL IMPROVE-
MENT RELATIVE TO THE SALE OF INTERNAL IM-
PROVEMENT LANDS, &c.**

The committee on Internal Improvement to whom was referred the following resolution :

“Resolved, That the committee on Internal Improvements enquire into the expediency of providing by law for the sale of the unappropriated lands granted to the State by Congress, for Internal Improvement purposes, and of applying the proceeds thereof in payment of interest on the Internal Improvement debt, and report by bill or otherwise ;”

Respectfully report, that they have had the subject under careful consideration, and after due deliberation thereon, have arrived at the following adverse conclusion :

1st. In entering upon their duties, your committee have had direct reference to the act of Congress donating those lands to the State. Said act was approved Sept. 4, 1841, and by reference to the 9th section thereof it is found that the improvements to be made with those lands, are limited to roads, railways, bridges, canals, improvement of water courses and draining swamps, and that the transportation of the mails, munitions of war and troops on those highways are forever to be free from toll or charge upon the United States.

2nd. In the sale of our works of Internal Improvements, these rights have not been reserved to the United States.

3d. In the opinion of your committee, these lands cannot be converted into cash for a long period of time, and hence would not meet the object sought for.

4th. They may be disposed of and settled in a short period of time if they are offered for labor, to be expended in the regions of country where they are situated.

5th. Such settlement of these lands will necessarily add to our wealth and population, and in that way will soon materially increase the amount of our taxable property.

6th. The diversified objects to which these lands may be applied under the act of Congress, clearly conveys the idea that the donation was intended to benefit the early settlers in the newer regions of the State, in the same degree at least, as the older and more populous parts thereof.

7th. A large amount of these lands have already been appropriated and expended in the south and eastern portions of the State, where the inhabitants are provided with good roads and railways, and facilities for getting to market with their produce, which must render them prosperous in a high degree.

8th. An approximation toward even-handed justice, would, in the opinion of your committee, seem to require, that the remainder of our Internal Improvement lands, should be appropriated to opening and improving roads, building bridges, removing obstructions in our navigable rivers, &c., &c., in the newer and less populous regions of the State—and which have hitherto almost necessarily been without the pale of the sustaining measures of the State.

9th. Such a disposition of these lands as your committee recommend, would not only add largely to the taxable valuation of property in the State, at large, but would aid the settlers in the newer counties (by giving them facilities of getting to market) much better to endure the onerous and heavy burthens of direct taxation which is now awaiting them, and which they are at present but poorly prepared to sustain.

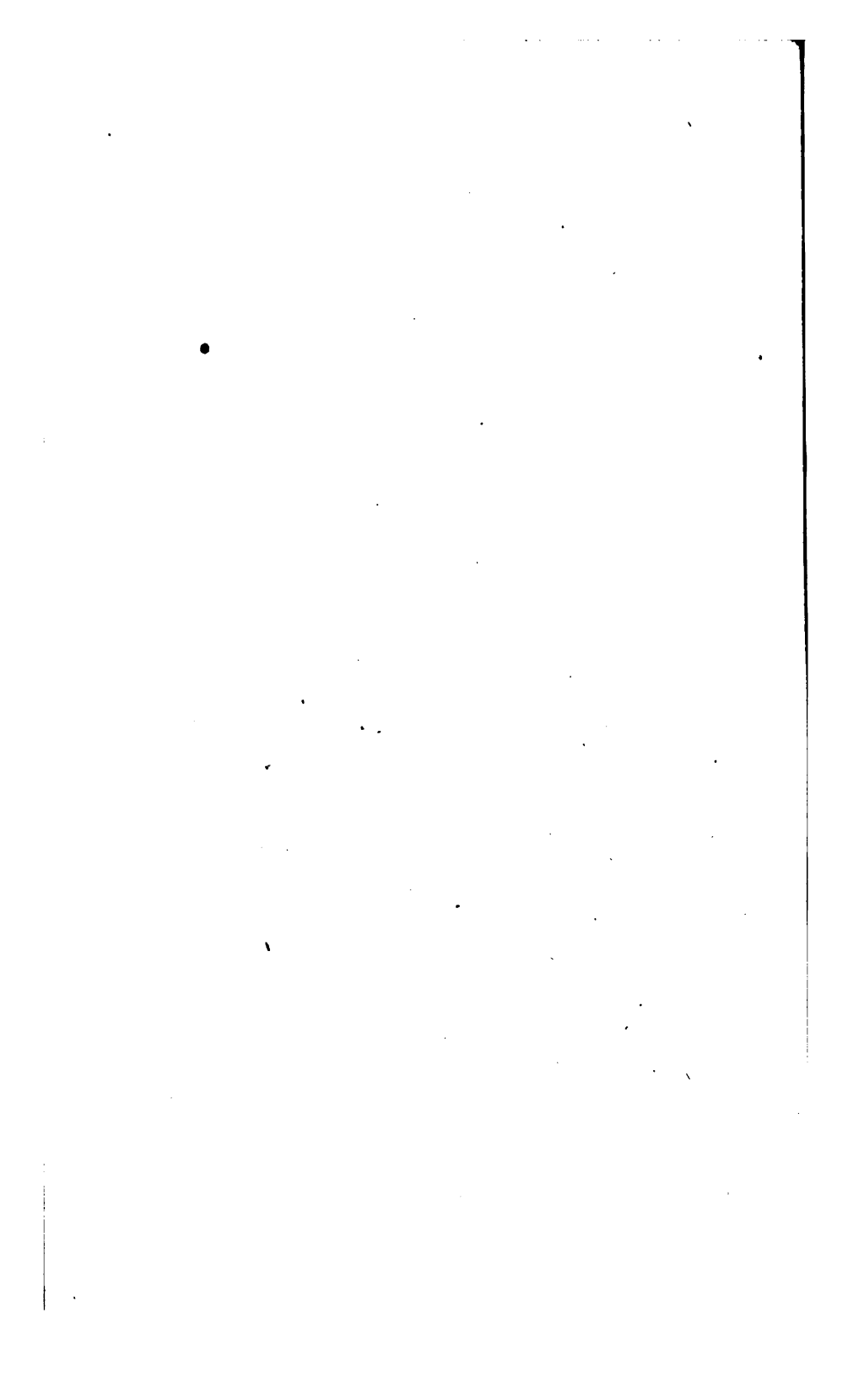
10th. These lands were granted to the State for the purposes heretofore mentioned, in September, 1841, and must naturally have been intended to be prospective in their application to our works of internal improvement, and cannot without a manifest perversion of the true intent of the donation, be applied to the payment of liabilities incurred prior to the act of donation.

From the above reasons among many others that might be adduced, your committee are unanimous in the conclusion, that the disposition of the Internal Improvement Lands of the State, in the

manner suggested by said resolution, would be inexpedient, in violation of the intention of the grant, and manifestly unjust.

R. CROUSE, *Ch'n Com. on In't Imp't.*

Michigan, January 28, 1847.



REPORT FROM THE COMMITTEE OF WAYS AND MEANS.

The committee of ways and means, to whom was referred the resolution inquiring "as to the expediency of so amending the existing provisions of law, in relation to the returns of delinquent taxes, and the proceedings in relation thereto, as to provide for the return of said delinquent taxes to the county treasurers, and for all subsequent proceedings to be had in the counties, respectively," having considered the same, direct their chairman to report thereon, that, in the opinion of a majority of your committee, any such alteration in existing laws, would be inexpedient, for the following reasons:

Amendments to a regular tax system should be made with the utmost caution, inasmuch as their direct tendency is to embarrass the operations of collecting officers, and not unfrequently to induce mistakes and errors that will ultimately invalidate the whole proceedings.

The present system of returning delinquent taxes to the auditor general, the committee believe the best calculated to insure thorough and perfect examination, all proper rejections for errors in description, and that general accuracy so necessary in forming the basis of a valid sale. A moment's reflection will convince any person, that the prompt and full collection of all taxes legally imposed, must depend to a great extent, upon a general confidence in the validity of State tax titles. Destroy that confidence, and you deter purchasers from investing their funds at your sales, and throw a large portion of the lands delinquent for taxes upon the hands of the State, with little hope of speedily realizing the requisite amount of revenue.

Your committee are far from assuming the position that a large

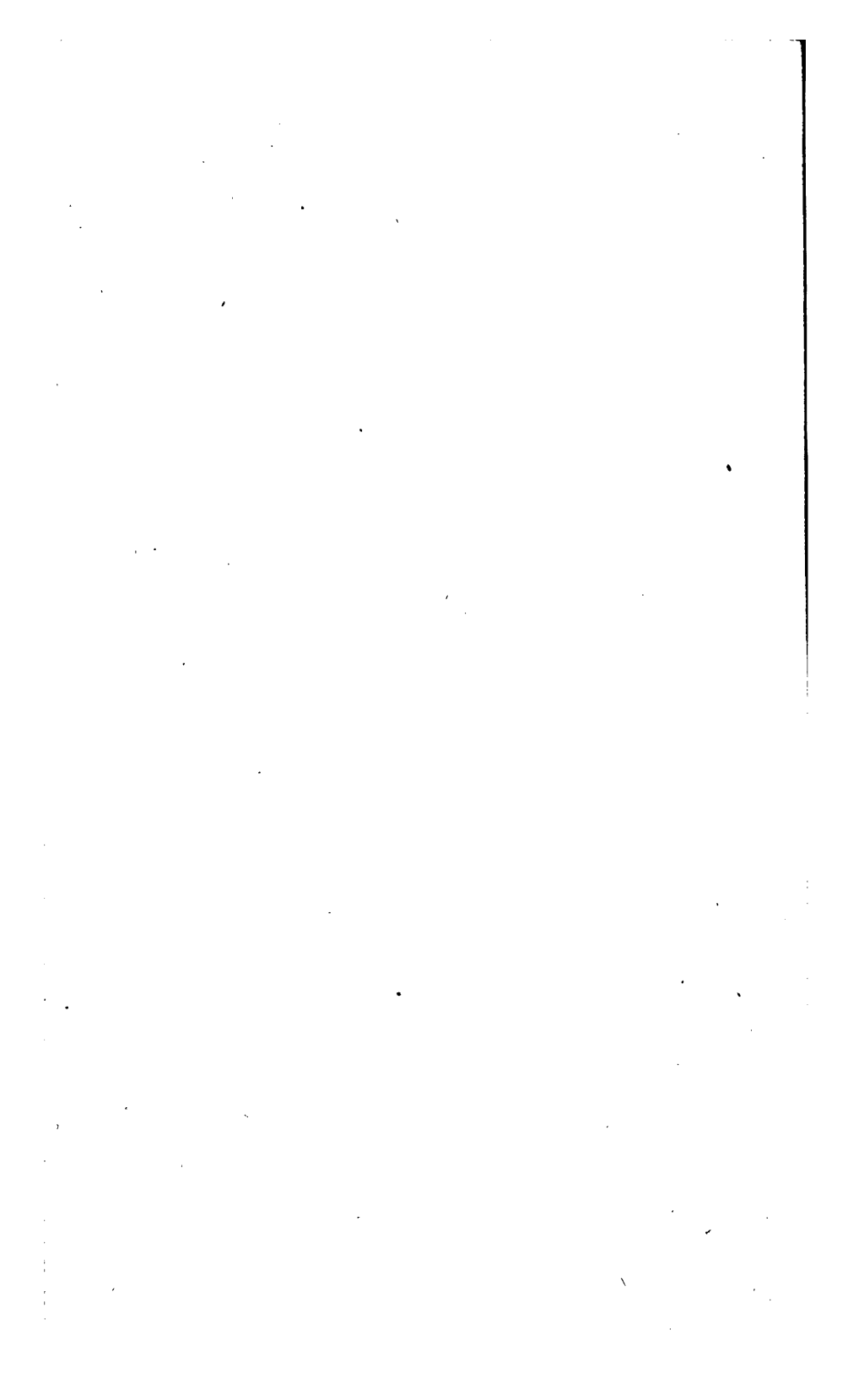
majority of the county treasurers would be found incompetent to discharge the additional duties that would be devolved upon them by the proposed change. But they do assume it as a fact, settled by the experience of the past, that cases of incompetency would occur, sufficiently numerous to more than counterbalance all the advantages to be derived from the proposed change, on the score of economy.

Instead of the uniformity arising from individual action and construction, we should have the various decisions and complex interpretations of rising of thirty treasurers. And when we come to the sale and conveyance, we are admonished by past experience to anticipate many and fatal errors.

As to the return of delinquent taxes to the Auditor General, with the provision for payment of taxes at either office up to the time of sale, no one can doubt that the convenience of the tax payer is best consulted. The non-resident, having lands scattered in many counties, can, by the appointment of a single agent, at the capital, and at trifling expense, pay his taxes at once; whilst, by the receipt of those taxes at the county treasury by those desirous of paying there, any deficiency in receipts by the township treasurer to meet the county and township tax, is promptly supplied. By the act of 1847, the privilege of paying at either office is extended through the time of redemption after sale.

Your committee, then, for the above brief reasons are induced to report against the expediency of the proposed alteration in the present tax system.

F. J. LITTLEJOHN,
Chairman.



REPORT OF THE COMMITTEE ON THE ORGANIZATION OF TOWNS AND COUNTIES.

The committee on the organization of towns and counties, to whom was referred the petitions of citizens of Lapeer, Macomb, St. Clair and Oakland, praying for the organization of a new county, to be called the county of Almont, with its county site at the village of Almont, report:

That they have endeavored to bestow upon the subject a careful and unprejudiced consideration, and find that the proposed new county would embrace the entire west range of towns in St. Clair, the entire east range, together with the towns of Dryden and Attica, in Lapeer, the townships of Bruce and Armada, in Macomb, and the township of Addison, or the north east township in Oakland county, and would be thirty-three miles long, from north to south, twelve miles wide upon the north line, and eighteen miles wide upon its south line, and would contain five hundred and four (504) square miles, with a population (according to the last census) of six thousand two hundred and seventeen, (6217.) That, of this territory, two hundred and thirty-four (234) square miles, with a population of two thousand five hundred and sixty-seven, (2567,) would be taken from the county of Lapeer; one hundred and sixty-two (162) square miles, with a population of four hundred and seventy-six, (476,) from the county of St. Clair; seventy-two (72) square miles, with a population of two thousand four hundred and forty-five, (2445,) from the county of Macomb, and thirty-six (36) square miles, with a population of seven hundred and twenty-nine, (729,) from the county of Oakland.

By a reference to the census aforesaid, it will be seen that the population of Lapeer county, as now constituted, is five thousand three hundred and fourteen, (5314,) or nine hundred and three (903) less than the population that would be embraced in the pro-

posed new county, and which would be reduced by the organization asked for, to two thousand seven hundred and forty-seven, (2747,) or three hundred and sixty-one (361) less than half the number of the population that is sought to be incorporated into the proposed new county, or nearly half of the entire population of Lapeer.

In point of territory, the county of Lapeer would yet contain a trifle more than the minimum number of square miles prescribed by the constitution, still we should not disregard the fact that a considerable portion of the northern part of its territory does *not* now, and for a long time to come *will not*, in all probability, contain but a very sparse population. Nor should we forget that five years since, when the county of Genesee contained more territory, and far more population than would be left to Lapeer, (if the proposed measure should be adopted,) the Legislature deemed it proper to increase the size of Genesee by taking from Lapeer an entire range of its towns on the west.

Macomb county, now the smallest in the State, in point of territory, would, by the organization of the proposed new county, be despoiled of two of its best farming towns, containing a population of two thousand four hundred and forty-five (2445,) and would be reduced to three hundred and ninety-two (392) square miles, or eight (8) square miles less than the minimum limit fixed by the constitution, and seventy-six (76) square miles less than the territory proposed to be embraced in the new county.

St. Clair county would also suffer to a considerable degree, in being deprived of so large an extent of territory, and although it is somewhat larger than many other counties, still, your committee, by considering its locality and present advantages, its population and boundaries, are of the opinion that it was not without good reason that it was organized with more than usual territory.

Oakland would suffer less than either of the other counties, by the adoption of the proposed measure, as it would still contain more than the average, both of population and territory. But the township sought to be taken from that county would be severed from a county with which it has a natural connection, and placed in

a perfectly unnatural and forced connection with towns in which it has no intercourse, either commercially or otherwise.

Your committee believe it to be an unwise policy, unnecessarily to multiply small counties by the dismemberment of those already established, as thereby the aggregate of expenses for sustaining county organizations, providing suitable county buildings, and sustaining an efficient judiciary system throughout the State, would be greatly augmented, and although a portion of the petitioners may be subjected at present to considerable inconvenience in their communications with their county sites, still, your committee are confident that such inconvenience is owing principally to the bad condition of the roads, incident to a newly settled country, and is consequently of a temporary character, and will cease to exist as that vicinity becomes more densely populated, for if distance from their present county site is the principal basis of the application for the organization of the new county, then are the petitioners from Lapeer, (who constitute a vast majority of all the petitioners,) guilty of a most glaring inconsistency, for by reference to the map, it will be seen that the most remote point in said county is but thirty-two miles distant from the county site of that county, (following the section line,) while the most remote point in the new county, from its *proposed* county site, would be thirty-four miles.

The petitions referred to your committee ask for the territory that has hereinbefore been described "or as you in your wisdom may direct," yet, we cannot feel justified in recommending the request of said petitioners (as has been suggested) by the territory asked from Lapeer and St. Clair, exclusively, for by so doing, (in our opinion,) great injustice would be done to said counties, and the county site asked to be established in the new county would be but two miles from its south line, while it would be twenty-five miles from the north line.

Your committee, therefore, are unanimous in the opinion that the evil consequences which would be inflicted upon others, would greatly overbalance any benefit which would be conferred upon the petitioners by granting their prayer, and consequently report adversely to the same.

MINOT T. LANE,
Chairman.



REPORT OF CENTRAL RAIL ROAD COMPANY.

SECRETARY OF STATE'S OFFICE, }
January 29, 1848. }

To the Speaker of the House of Representatives :

SIR :—In obedience to the resolution of the House of Representatives, adopted the 28th instant, I herewith transmit a copy of the annual report of the Michigan Central Railroad Company for the year 1847, made to this office in pursuance of section thirty-two of the act entitled an act to authorize the sale of the Central Railroad, and to incorporate the Michigan Central Railroad Company.

Very respectfully,

Your ob't servant,

G. O. WHITTEMORE,

Secretary of State.

Report of the Michigan Central Rail Road Company from January 1st, 1847, to December 1st, 1847, made agreeably to the 32d section of the original charter of said Company, and the 1st section of the act of March 16th, 1847 :

Length of road, 145 miles.

Amount expended for construction from January 1, 1847, to Dec. 1, 1847, \$1,126,553 91

Amount of indebtedness of the Co. for materials or work in progress of delivery or execution on account of construction and included in construction,

58,000 00

Capital stock subscribed,

2,200,000 00

Capital stock paid in,

2,200,000 00

Amount of money received for all loans made by the road agreeably to the 33d sec. of charter,

757,100 00

Dividend on capital stock of \$2,200,000 from Sept.

23d, 1846, to Dec. 1, 1847, 8 per cent.,		176,000 00
Receipts from freight (11 months,)	\$233,862 72	
do do passengers, do	125,174 61	
do do other sources, do	6,761 52	
	<hr/>	365,798 85
No. of through passengers,	11,762	
do way do	52,414	

Expenditures for operating the Road, (11 Months.)

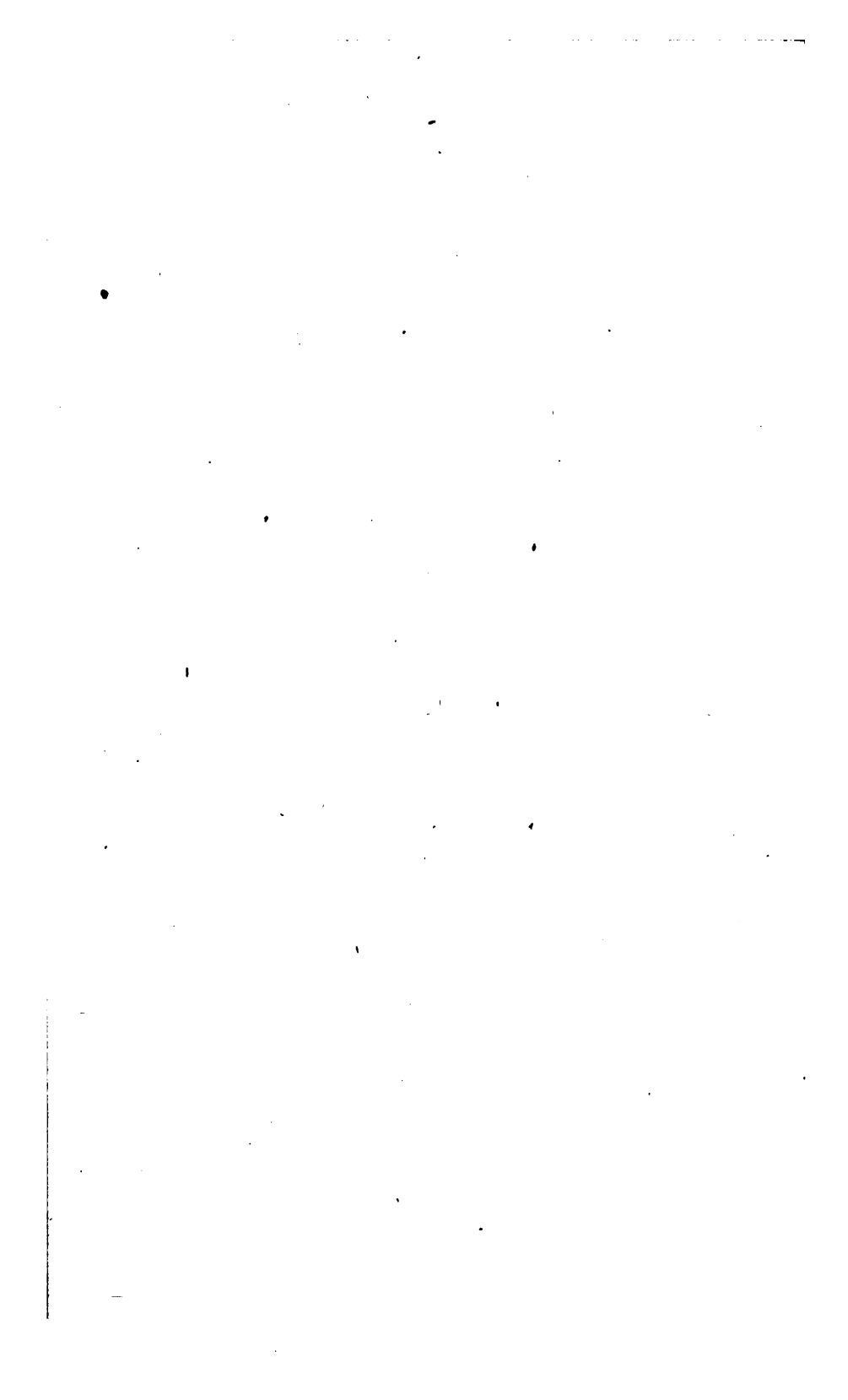
Repairs of road,	\$33,494 46	
do of engines,	26,717 67	
do cars,	13,611 32	
Other expenditures,	76,248 51	
	<hr/>	150,071 96
No. of engines,	16	
do passenger cars,	8	
do freight do	170	
do baggage, do	4	
do other cars,	94	
	<hr/>	
Average number of men,	274	
Number of miles run by passenger trains,	83,780	
do do do freight trains,	164,183	
do do do other trains,	32,200	

J. M. FORBES, } *Directors.*
GEO. B. UPTON. }

State of Massachusetts, Suffolk, ss., Boston, December 20, 1847.
Personally appeared before me, John M. Forbes and George B. Upton, and made affidavit to the truth of the above report, by them subscribed, according to their best knowledge and belief.

B. T. REED,
Justice of the Peace.





AUDITOR GENERAL'S OFFICE, }
Michigan, February 8, 1848. }

HON. A. W. BUEL, *Speaker of the House of Representatives:*

SIR:—The following resolution, which passed the House yesterday, I have had the honor to receive, viz:

“Resolved, That the auditor general be requested to furnish to this House, at his earliest convenience, an estimate of the annual expenses accruing in his office consequent upon the return of non-resident delinquent taxes to said office, including in the items, blanks, blank books, and other stationery, clerk hire, general and special agents, postages and all other necessary expenditures there-to belonging.”

Subjoined is presented a statement of the said expenses during the last fiscal year, the aggregate of which being \$13,603,12, is stated on the 5th page of my last annual report:

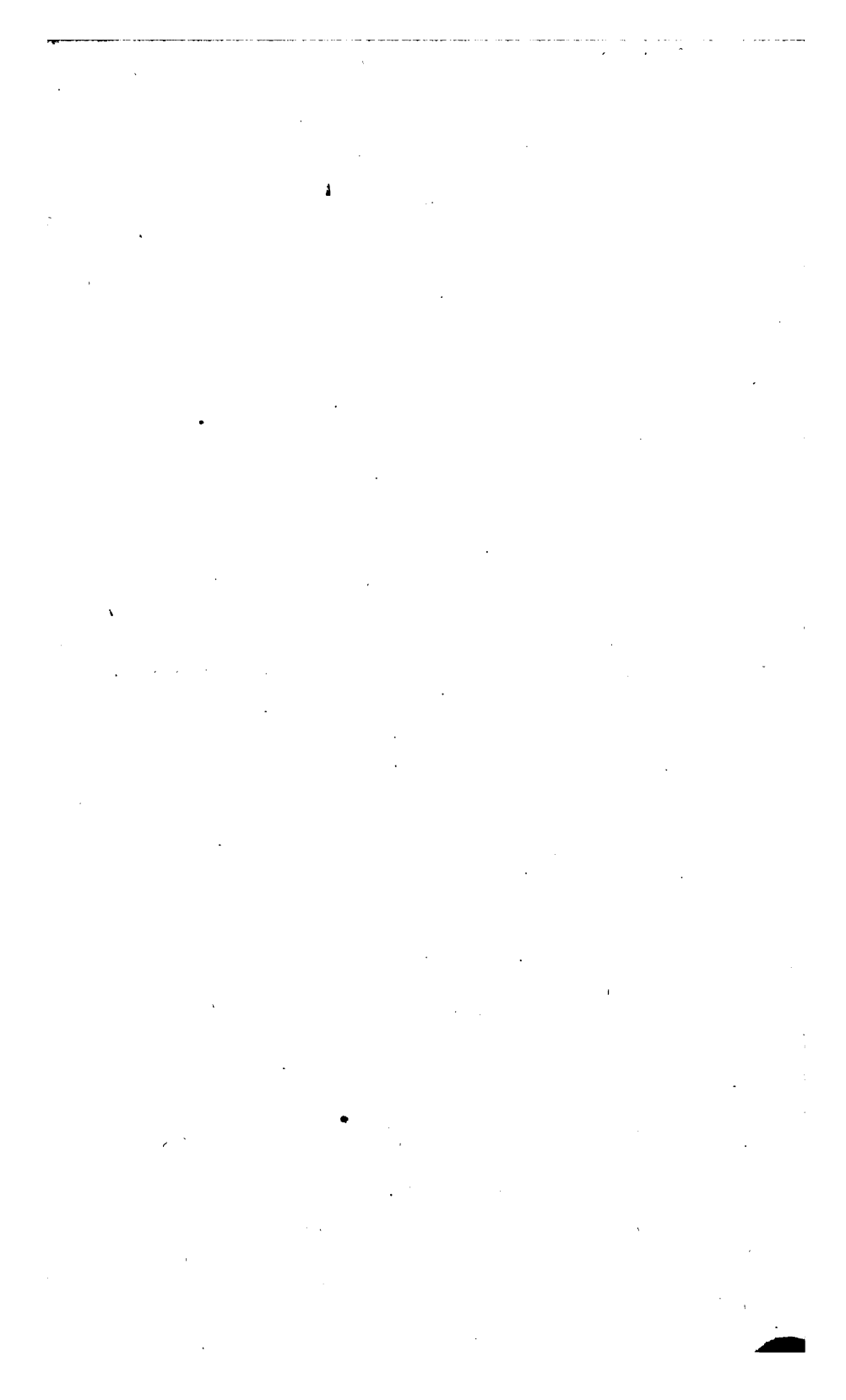
Stationery, including blank books, blank deeds and certificates of cancelment, tax receipts and redemption certificates for auditor general's and county treasurers' offices, assessment rolls, town treasurers' returns, &c.,	\$1,726 03
Paid county treasurers for services rendered at the annual sales of land for taxes, and making returns thereof,	1,980 26
Paid for publishing lists of lands to be sold for taxes,	5,022 50
Clerk hire,	4,032 96
Paid transportation of blanks to counties,	96 24
Refunded to tax payers and purchasers of lands for taxes on illegal assessments, and sales and payments in error,	739 13
Total,	<u>\$13,603 12</u>

It may be proper, here, to remark, that the last item above mentioned, amounting to \$739,13, consists of sums originally received from tax payers and purchasers of lands, for taxes, on account of charges for "expense of sales," which were carried to the credit of that account, but afterwards refunded to them because of illegal assessments or sales and payments in error, and the same therefore charged back to the said account of "expense of sales;" it is, however, here included for the purpose of showing all the charges against that account. This sum being deducted from the above aggregate, the entire amount properly chargeable for expenses incurred on account of the return and sale of non-resident delinquent lands for the last year would then be \$12,863,99.

I am, sir, very respectfully,

Your obedient servant,

D. V. BELL,
Auditor General.





REPORT OF THE COMMITTEE ON INTERNAL IMPROVEMENTS.

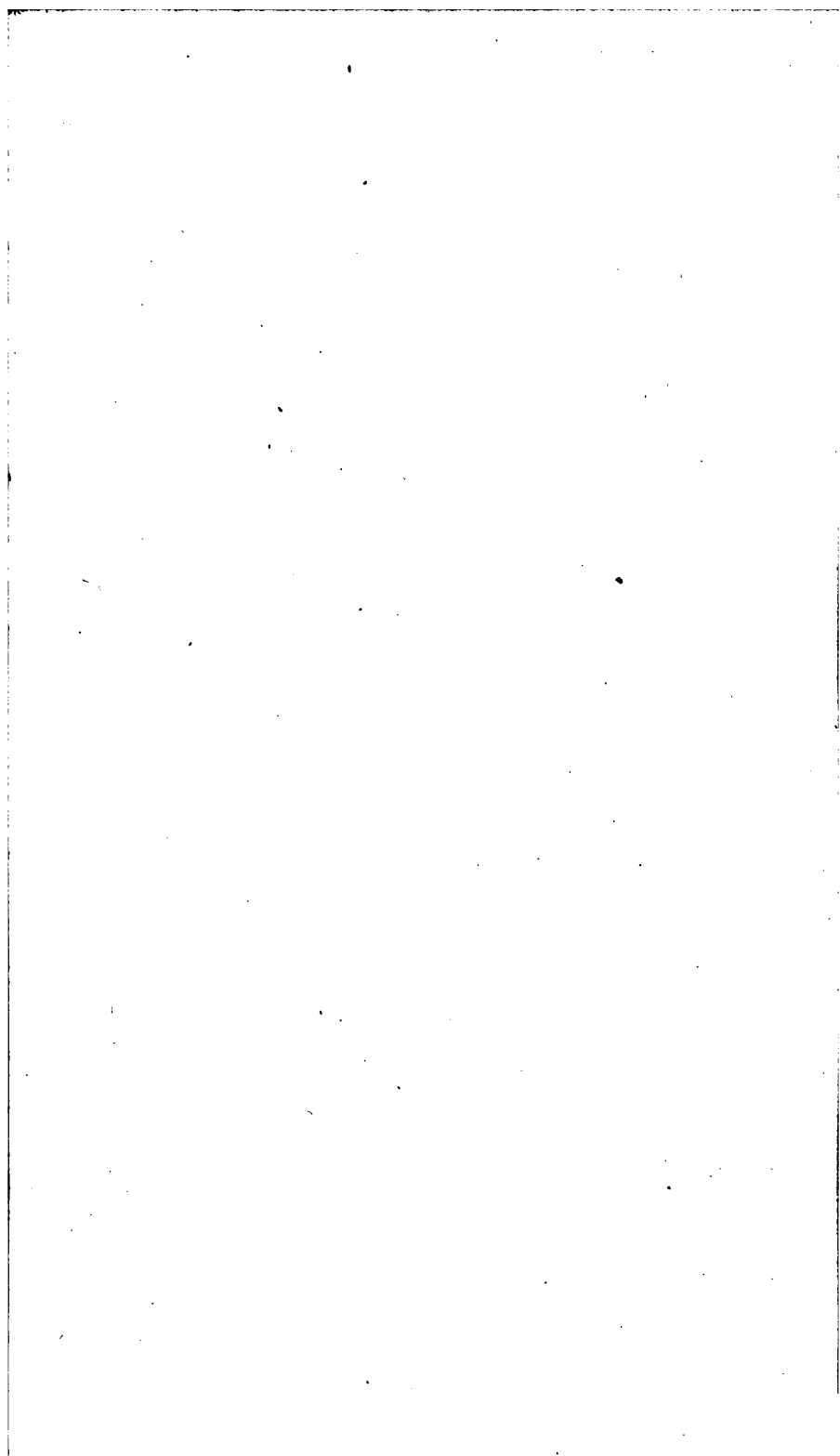
The committee on internal improvements, to whom was referred the petition of sundry citizens of the counties of Eaton and Barry, praying appropriations for constructing the Clinton and Kalamazoo Canal, have directed the undersigned, member of said committee, to report thereon :

That the project of a canal across the lower peninsula of Michigan, commended itself, at an early day, most strongly to the consideration of reflecting men. Among the numerous works of internal improvement projected for our State, none was more prominent, or bid fairer for a vigorous prosecution and early completion than the one now under consideration. The report made by the distinguished engineers having the preliminary explorations and survey of the canal route in charge, served to increase the interest already felt by the public in its construction. The extraordinary surface formation across the peninsula, brought to light by that report,—the perfect feasibility of the route,—the grand level of over seventy miles without a lock,—the easily procured and abundant supply of water for all the purposes of navigation ; and the striking geological formations and discoveries along the line,—all combined in forcing the conviction irresistibly upon the mind, that the Clinton and Kalamazoo canal would soon become to our growing State, what the Erie canal had proved to New York—a source of pride and profit. Aside from that consideration, it was also regarded as the means of inducing emigration to the State. Multitudes were expected to penetrate the wilderness of that central section, by whose vigorous strokes forests were to be prostrated ; cultivated fields were to be multiplied, and the immediate result of whose industry and enterprize was to be, the springing into existence of populous towns, the developement of mineral treasures, the accu-

mulation of wealth, and an abundant harvest of general prosperity. The delusive hopes thus created by the promised canal, were but too fatally effective in numerous instances. Starting from their distant homes, pioneer after pioneer did reach and penetrate, by different routes, the dense forest of the timber land belt across the State, and the newly blazed line of the canal route was speedily dotted by the log cabins and "first slashings" of men who were destined to struggle on, when public pledges became worthless, and private faith a mockery.

It would be useless now to enter upon an investigation of the causes which operated, first to defer, and finally to defeat the successful prosecution of a work so full of hope in its inception, and so replete with calamity in its abandonment. Suffice it to say, that any further outlay by the State upon that work cannot, with any propriety, be at present attempted. The only available means the State can now command, consist of a few thousand acres of land, and which, if thus applied, would only go to swell the large amount already lost in the work. Your committee can but express their unfeigned regret that a misfortune so unlooked for and so undeserved, should have fallen upon a class of our worthy citizens. Most sincerely do they regret the inability of the State to further prosecute a work so evidently important to the public. They would willingly listen to the cry for help, and cheerfully come to the rescue, did circumstances permit or reason approve the attempt. The present financial condition of the State precludes the idea of any essential aid from that quarter in completing the Clinton and Kalamazoo canal. We indulge the hope that either the justice or the generosity of the General Government may yet induce a grant of lands sufficient for the undertaking. We feel some degree of confidence that the persevering efforts of our Senators and Representatives may yet prove availing for that object, and will say in conclusion, that should our hopes in this be hereafter realized, our joy at the event will be fully commensurate with the gain of the worthy petitioners, against the prayer of whose petition we are now reluctantly compelled to report.

F. J. LITTLEJOHN.





RERORT OF THE COMMITTEE ON THE MILITIA.

The committee on the militia, to whom was referred so much of the Governor's Message as relates to that subject, beg leave to report:

That after a careful examination of the subject, and the present law now in force, your committee have come to the conclusion that further legislative action is necessary, in view to a more permanent and efficient organization of that important arm of our public defence. Entertaining that view, your committee have determined to recommend such a law as shall embrace the following points :

1st. A complete organization and enrolment of the militia.

2d. The appointment and commissioning of competent officers, both of the uniformed and ununiformed militia of this State by the proper authority thereof.

3d. An efficient system of instruction by annual parades or encampments of the officers, non-commissioned officers, musicians and privates of uniformed and ununiformed companies of the militia.

4th. An exemption from all parades, drills, encampments or trainings, to the great body of the militia, on the payment of a moderate tax, upon those only subject to military duty.

5th. Safe, convenient and cheap deposits for the munitions, camp equipage, and all military stores belonging to all such uniform companies as shall comply with the provisions of the act.

6th. A proper responsibility on the part of all officers, both civil and military, entrusted with the collection or disbursement of all moneys raised for military purposes, in this State.

7th. A system providing for the levying and collecting of an annual tax for the support of the volunteer uniform companies, and all such fines as may be imposed from time to time for any delinquency or deficiency, without the aid of court martial.

The subject is one of much difficulty, and upon which various opinions are entertained with reference to the proper policy that should be pursued in regard to this subject, but your committee are firm in the belief that as the sworn guardians of the constitution, it becomes a part of their imperative duty to provide some means by which that important arm of our public defence may be efficiently and permanently organized; but your committee are aware that with all the attention they have given to the subject, some imperfections may exist in the character of the bill which I have the honor to offer for the consideration of this House; in the confidence of the wisdom of its members, they will, by the necessary amendments and additions to it, be able to create a perfect system of the public defence.

A. P. YOUNG,
Chairman.





REPORT OF THE SELECT COMMITTEE ON THE AMENDMENT OF THE TAX LAWS.

The select committee to whom was referred the petitions from the citizens of Van Buren County, praying for an amendment of the laws regulating the assessment and collection of taxes, and also the bill to amend chapter twenty of the revised statutes of 1846, do hereby report favorably to the prayer of the said petitioners; also report back the said bill without making any amendment thereto and respectfully recommend its passage.

Your committee are aware that a proposition for an alteration of the laws regulating the assessment and collection of taxes, is a subject that should be handled with great care and circumspection: and that a great and important alteration, such as the bill herewith reported back to the House proposes; should be made, only when it is ascertained, that the same is in agreement with sound policy, for the best interests of all parties concerned, and in accordance with the rights of the people.

Believing, as they do, that the change proposed by the bill is based upon the principles which they have assumed as a standard; they beg leave respectfully to submit a few of the many reasons that may be urged, for this important change; and also to consider, and briefly examine some of the objections commonly urged against the change.

First, Under the existing laws, a very heavy annual extra expense is incurred, consequent upon the return of non-resident delinquent taxes to the office of the Auditor General, amounting in the aggregate to the sum of \$12,916 49 per annum. This large extra expense would be entirely saved to the people; if the change proposed by the bill wherewith reported back to the House; should prevail. The committee would here remark that they are of the

opinion, that the aggregate amount of expense as stated above is, even below the actual expenditures; but that it is estimated according to the best data within their reach at the present time.

The estimate above alluded to, being made for the year last past is no doubt considerably less than would be found for previous years; on account of a less amount of non-resident lands being returned yearly, as the country is being settled up. We deem the statement (however) sufficient to exhibit the enormous (and as we think) unnecessary expense imposed upon the public. This system of return to the Auditor's office has been in operation for the last ten years; and supposing the annual expense to have been as above stated at the rate of \$12,916 49 per annum, the amount of the principal thus paid is found to be the startling sum of \$129,164 90; and when we calculate the simple interest upon the same, we find it to be \$48,798 36 which added to the principal swells the sum total to no less a sum than \$177,963 25, a sum almost sufficient to defray the ordinary expenses of the state government for one third of that period, taking last years expense as an example.

When, therefore, we reflect upon this extraordinary outlay required from the people; we are constrained to enquire what real benefit, or advantage is to arise therefrom, to those who are required to make this heavy disbursement.

In answer to the above inquiry, it is urged that under the control of the Auditor, a greater uniformity of operation is obtained. To this, we have to answer firstly, that it is at least doubtful: Although a general direction is given by the Auditor, the whole preparatory proceedings under the statute pass through the hands of the primary officers, (Assessors, Supervisor, Town Treasurer, and County Treasurer,) who are made the judges of the requirements of the laws, and amenable to the penalties imposed for neglect of duty, and who, if we are allowed to judge from experience in such matters, are probably as well qualified ordinarily for the stations occupied by them, as officers occupying a superior grade of office, are for the stations] which they severally occupy; and who do so judge of their duties under the statute, and act accordingly; and that really the uniformity which does prevail at present is mainly attributable to the perfection of the statute in regard

to *their* duties, and the promptness and intelligence with which *they* judge of its requirements.

It may be urged that a change such as is contemplated by the bill would embarrass the operations of collecting officers. Here again we beg leave to give reasons for differing with such opinion. The whole of the preparatory proceedings under the existing laws having to pass through the hands of the officer who is made the repository of this power, under the bill proposed no such embarrassment could occur under the one that would not under the other. The county treasurer has under the present laws, all the authority vested in the Auditor excepting that of ultimate control, viz : that of ordering sales, making deeds, and cancelling the same where there may be found to have been illegalities. Your committee are therefore of the opinion, upon this view of the subject, that no advantage arises either to the people at large, to the government, to the tax payer or the purchaser at tax sales, while under the control of the Auditor General that would not accrue to them were the whole ultimate control vested in the county treasurer. He is at present the agent of the Auditor, and under him makes the sale, issues the certificates of purchase and upon his accuracy depends to a great extent the validity of titles.

Again, it may be urged, that if there were not a general head and supervising power, such as the auditor's office, many fatal errors might occur, create general confusion, render the confidence in the validity of tax titles less firm, and thereby embarrass and prevent the speedy and full collections of taxes. To say that errors would not occur under any of the systems that have been or may be devised, would be saying that which could not be sustained. But in answer to the above, the chairman of your committee begs leave respectfully to say, that after several years' experience in a county treasurer's office, having in the course of that time had some knowledge of errors both in the county and State departments of this branch of the public service, feels at liberty to venture the assertion, that errors are less frequent, of less magnitude, and less fatal in their consequences in the former, than in the latter department, and consequently has come to the conclusion that a

change is imperatively called for upon this ground, if upon no other.

Your committee are of the opinion that the mass of business thrown upon the hands of the auditor general by the return of all the non-resident taxes of the State to his office, is too great a burthen upon that department of the State: The duties devolving upon that functionary, ordinarily, aside from the supervision of delinquent taxes, is very arduous, and necessarily employs an assistant; and when to the ordinary duties are added the additional labor of attending to the tax system, it *must* become extremely burthensome. We know that it is impossible for him, with the assistance of his deputy, to personally inspect all the transactions in that department of his office, and consequently a great portion must be entrusted to clerks. Although the persons selected as clerks may be excellent business men, to say that they would be capable of passing through the mass of business in that department without committing errors, would be saying that which would be unwarranted. We have no design to cast odium or reflections upon the present or any previous incumbent of the auditor's office, or upon any deputy or clerk, but we do say that we know that errors do occur, and that not unfrequently.

While upon this part of our report, we may be permitted to say further, that it is a well established and acknowledged fact, that the oftener records and statements are required to be copied, the more numerous must necessarily be the errors, because mankind are all fallible beings.

Again, it may be urged that incompetent men may be occasionally selected to fill the office of county treasurer. We have to answer, that this contingency might happen also in the state department. But we have also to state that we are among those who have full confidence in the intelligence of the people, and in their ability to select competent men to manage their affairs, and we believe when this business is wholly entrusted to their care, the importance of the station would be obvious to all, and consequently able, talented and judicious men would be called upon to discharge these duties. We think it would be unwise to hazard the assertion that the services of a competent person could not be obtained

in some of the counties, and we have therefore only to remark that such a supposition is to us highly improbable, and consequently merits but slight consideration. We see no good reason why the titles to lands sold for the taxes should not be as valid, under the direction of the county treasurer as of the auditor general, when properly provided for by legislative enactment, nor do we apprehend that less confidence would be placed in their validity by those disposed to purchase at such sales.

If the whole ultimate supervision and disposition were entrusted to the county treasurer, that officer having abundant time to make critical examination of every description of land and of every variety, and amount of tax, would be more likely to perfect the tax title; and we think the probabilities would be stronger in favor of this system, than those could reasonably be expected to be under the arrangement as it at present exists.

Under the present system the county treasurer, after having received from the town treasurers the returns of delinquent taxes for the year, is required hastily to make his entries upon the proper books in his office, so that he may be able within the time limited by law to make out his transcripts for return to the Auditor's office, and consequently errors may be overlooked for the time and never afterwards corrected until after a sale of the lands. The comparison by the county clerk of the transcripts thus made is generally hastily gone through with on the same account, and only to ascertain whether they agree with the original returns, which may in themselves be defective and errors thus pass unnoticed. And really, in our estimation, the whole amounts to a mere farce, for no permanent benefit, except to prepare business and pay for printers, book-makers and extra clerks.

Under the present system the state retains and passes to the general fund five per cent of the fifteen per cent accruing upon the unpaid taxes returned to the Auditor's office as also five per cent of the twenty-five per cent paid upon redemption of lands sold; which sum, according to the best data your committee are able to procure must amount annually to about the sum of \$200 per county making in the aggregate about the sum of \$6,000 per annum; and which sum your committee feel bound to say of right belongs to the

people of the state in the different counties for the several purposes for which the taxes were originally assessed and would be so laid out and expended for its original legitimate purpose were the system changed and the taxes collected in the several counties as proposed by the bill and where, your committee are convinced, the business legitimately belongs.

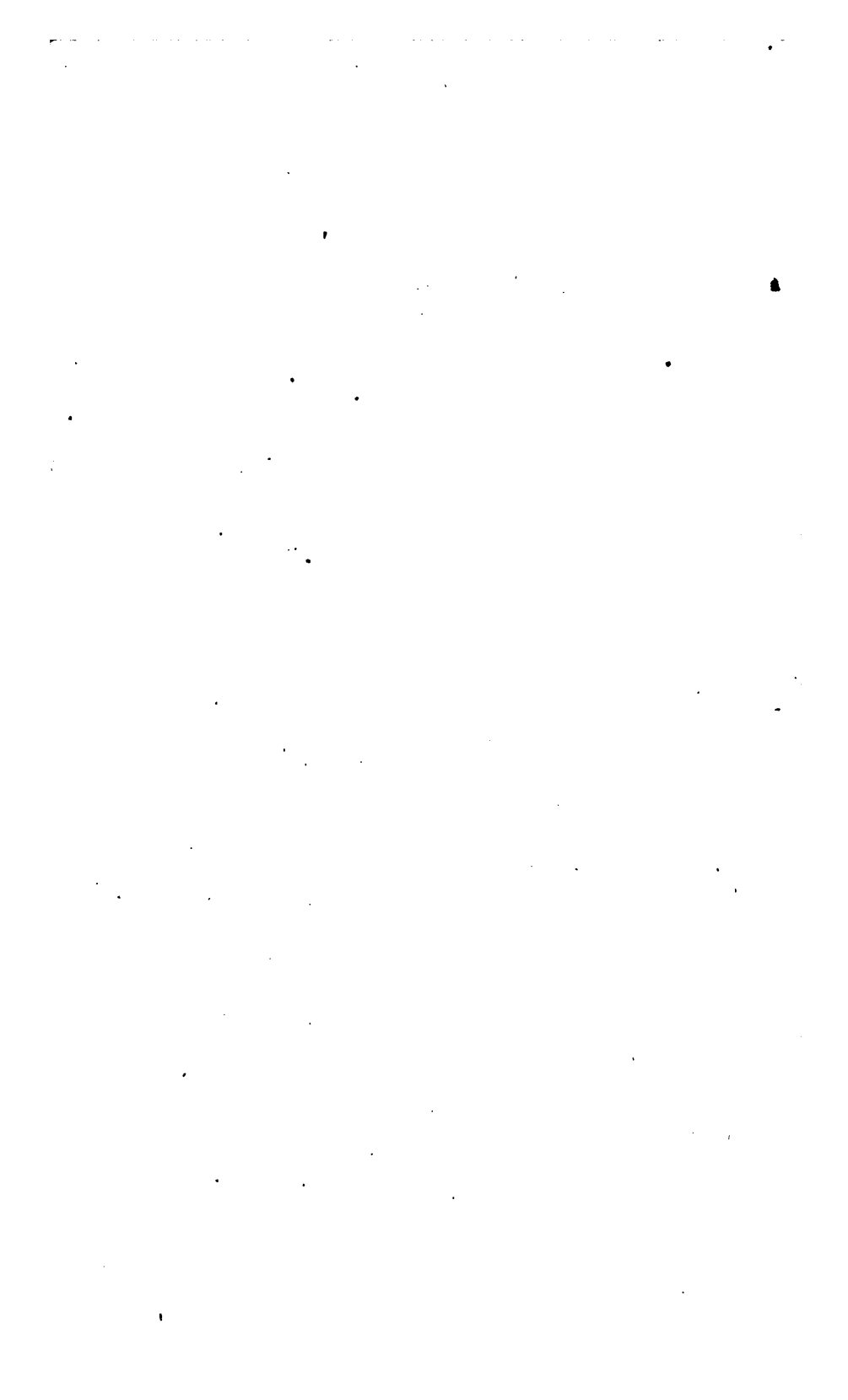
Again, upon all taxes paid at the State treasury, the office charges authorized by law are retained and paid into the general fund. The sum thus accruing, we believe will amount per annum to about the sum of \$3,000, or about \$100 per county on an average; this we say also belongs properly to the people of the several counties, and should be there expended for the advantage of the tax payers whose lands and property are there situated, upon which those extra charges are made, and whose property should thus profit by the outlay.

The only argument which, in our judgment, can be urged in favor of a return of taxes to the capitol, with any degree of plausibility, is, that the foreign land holder, by such return, can avail himself of a central place at which he may pay the taxes on all lands he may own in the state. This we are willing to allow, at first view, would seem to be an accommodation and a convenience to persons who reside in other states, but we are decidedly of the opinion that if such persons could scan the whole matter, and understand the whole system, as we think we understand it, they would not for a moment entertain the subject in a favorable light; they would not consider this privilege or accommodation anything like an equivalent for the extra charges they are bound to pay in the shape of taxes, offices charges, and five per cents for the support of this extra monopoly.

We have therefore come to the conclusion to recommend strongly to your consideration a change thus loudly called for.

All of which is hereby respectfully submitted,

JOHN McKINNEY,
L. HAZEN,
CYRUS HOWARD.



REPORT OF SELECT COMMITTEE OF THE HOUSE.

The committee to whom was referred the resolution instructing them "to inquire what person or persons, if any, now holding a seat or seats in this house, was or were, at the time of his or their election, by the constitution of this State, ineligible to a seat in this House," have had the same under consideration, and have directed their chairman to submit the following report:

Section eight, article four of the constitution of this State, is in the following words: "No person holding any office under the United States or of this State, officers of the militia, justices of the peace, associate judges of the circuit and county courts, and post-masters, excepted, shall be eligible to either House of the legislature."

This provision of the constitution, in the opinion of the committee, was intended to be applicable, not only to certain offices that might exist under its authority, but to certain offices that were in existence at the time of its formation. The offices enumerated in the excepting clause of the foregoing section of the constitution, existed prior to its adoption, and their incumbents were appointed directly or indirectly by the government of the United States. The office of associate justice of the county court then existed in several counties of the territory, but no such office was instituted by the constitution itself, and has had no existence since its adoption by the people. The conclusion, then, seems to be irresistible, the framers of the constitution had in view, in the exception above referred to, offices actually in existence at the time of the formation of the constitution, and intended thereby to exclude those offices so existing from the general provision of the said section, embracing as it does, any person holding office under the United States or of

this State. If this view of the subject be correct, and the committee can come to no other conclusion, the only remaining inquiry, worthy of consideration, is, what offices, in the true intent and meaning of the constitution, are *offices of this State*?

To suppose that this section of the constitution intended to exclude from either branch of the legislature, all the officers in the State, with the exceptions there enumerated, whether they might be State, county, or township officers, would be to suppose that the above section of the constitution was framed without reason or justice, and without any regard, whatever, to the great objects to be attained by keeping the several departments of the government, to-wit:—the executive, judicial and legislative—distinct, separate and independent of each other. To declare, as the fundamental law of the land, that no postmaster or school inspector should, on account of such office, be eligible to a seat in either House of the legislature, is such an absurdity, on the face of it, as to forbid the credence of the most credulous; but when the exception itself makes those persons eligible, who hold offices, comparatively of much greater importance, such a supposition would seem preposterous in the extreme. Such a construction of this clause in the constitution, would prohibit any person holding office in the State, with the exceptions in said clause contained, from the highest to the lowest, from a seat in the legislature. Even members of the legislature could not be elected twice in succession; and the beautiful phenomenon of an entire new delegation would annually be witnessed in this hall, where experience is of so essential importance. It is not to be supposed it was ever contemplated by the framers of the constitution. Some other construction, then, must be given to that section of the constitution, than to suppose it intends and includes all the officers in the State.

What then are the offices intended by the phrase “any office of this state?” By reference to the proceedings of the convention which formed the constitution, it will be seen that this provision of the constitution was adopted by that convention in the following words: “No person holding any office *under* the United States, or this State, &c”—showing more clearly the meaning of the phrase “of this State.” The words “United States” undoubtedly in this

connection, signify "the government of the United States," and the words "this State" "the government of this state." What, then, are the offices under the government of this State intended by the said section to be excluded from a seat in either House of the Legislature? The committee cannot resist the conclusion that they are such offices as the incumbents of which receive their appointments, not directly from the people, but from the government or state as established by the people—that all individuals holding office from the Executive, the Executive and Senate, or the Legislature, would be by the constitution ineligible to a seat in either branch of the Legislature.

Arguments derived from the consideration of the general principles on which the constitution of this State is founded will lead to the same conclusion. The people, in whom all power is inherent, while delegating certain powers to certain individuals and bodies of men, for the mutual benefit and common welfare of all concerned, have always endeavored to guard and defend those powers so granted by proper checks and balances, so as to effectually prevent the recipients of those powers, to wit: the government, from usurping the rights still retained by the people, and thus preclude the government by any operation or action of its own, from gaining that strength and influence which might enable it to trample upon and defy the very power that gave it being.

These safeguards against the assumption or increase of powers granted, are numerous and explicit in the constitution of this State. The great objects of these provisions seems to be to prevent the several departments of the government from interfering in the proper exercise of the powers granted to each, and to forbid that patronage which necessarily belongs to the Executive, from being bestowed upon the members of the Legislature. All of which restrictions in the constitution can be urged with equal force in favor of the ground taken by the committee, and against the propriety of permitting *officers of the State*, as by them interpreted, from becoming Members of either House of the Legislature. The objects, then, to be attained, the reason and propriety of these restrictive provisions of the constitution, all strengthen and confirm the opinion of the committee in the construction which they have given.

In accordance with the foregoing views, the committee have ascertained that the following persons, members of this House, at the time of their election, held the offices set opposite their names respectively :

Ezra P. Baldwin, Notary Public; Abner E. Campbell, Notary Public; David B. Dennis, Notary Public; N. Buel Eldredge, Circuit Court Commissioner; Jed P. C. Emmons, Notary Public; Chester Hazard, Notary Public; James Kingsley, Notary Public; Minot T. Lane, Regent of University; John McKinney, Notary Public; Hiram Stone, Prosecuting Attorney; George B. Turner, Notary Public; Reuben B. Dimond, Notary Public; Bethuel Noyes, Notary Public; Ambrose P. Young, Notary Public.

All which is respectfully submitted,

M. B. MARTIN,
Ch'n. Committee on Elections.

EXECUTIVE OFFICE, }
Michigan, February 28, 1848. }

To the Senate and House of Representatives :

Transmitted herewith is a report of the Acting Commissioner to locate the capitol and to superintend the construction of temporary buildings for the accommodation of the legislature and state officers; in which is communicated a detailed statement of the proceedings had by him in conjunction with the Commissioner of the State Land Office, in laying out section sixteen, in the township of Lansing, upon a part of which, the State Capitol had been previously located, into a town or village for the benefit of the State and of the primary school fund.

Thirty acres of land, part of said section, were selected by the acting commissioner for the use and benefit of the state, the title to which, however, still remains in the school fund. It is recommended that the treasurer be directed to pay to the school fund the price of the land, and take a proper conveyance thereof to the state.

Another portion of the same section was selected as a site for the temporary state buildings, and the title to that also continues in the primary school fund. This tract was valued or appraised at the sum of three thousand four hundred and thirty-seven dollars. It lies adjacent to the site of the permanent capitol, and nearly in the centre of the village, and must ultimately become very valuable. I submit whether the interest of the school fund, as well as that of the state, would not be best promoted by permitting this lot to remain the property of that fund.

We are admonished by the state of our finances, to make no unnecessary draft upon them, and I apprehend the school fund would suffer no detriment, were the land in question reserved from sale, and suffered to remain in the occupancy of the state until permanent state buildings shall be erected. It will steadily increase the

value, by reason of the improvements that the state and individuals will be constantly carrying forward around it.

Such accretion of value, it is believed, will greatly exceed the interest which would accrue from the amount, for which the lands could now be sold.

The acting commissioner recommends that eligible, and proper sites for school houses and churches, and suitable grounds for a cemetery be selected and set apart for those uses.

He recommends further, that provision be made for improving the public grounds, opening and grading streets, constructing side walks, and for the erection of a bridge across the Grand River, within the limits of the village.

Estimates of the cost of the proposed improvements have been made by the commissioner, and are embraced in his report.

In these various recommendations I fully concur, and respectfully solicit for them the careful consideration of the legislature. That the interest of the school fund, and of the state, would be essentially promoted by such a system of improvements, I cannot doubt.

Provisions should be made for the establishment of a hospital for the insane, and an asylum for the deaf and dumb, at the earliest period consistent with the existing obligations of the state. We are invoked by every principle of humanity to provide for the alleviation of the condition of those unfortunate classes of our citizens, with the least possible delay. And I recommend that the commissioner be directed to select a site of suitable extent, not less than ten acres, for each of those institutions. Grounds admirably situated to those purposes may *now* be obtained at a trifling expense to the treasury.

The sum of ten thousand dollars was appropriated at the last session of the legislature, to be drawn from the state building fund, for the erection of temporary state buildings. The sum of twelve thousand four hundred and fifty dollars and thirty-one cents, has been expended by the commissioner for that purpose, leaving an excess over and above the amount appropriated, of two thousand four hundred and fifty dollars, and thirty-one cents. A further appropriation of the amount last mentioned, will be necessary to enable the commissioner to close his account with the treasurer.

EPAPHRO. RANSOM.

REPORT OF ACTING COMMISSIONER TO LOCATE
THE CAPITOL, &c.

To his Excellency Epaphroditus Ransom,

Governor of the State of Michigan :

The undersigned, acting commissioner to locate the capitol and superintend the construction of temporary buildings for the accommodation of the legislature and state officers, respectfully reports :

That after the board of commissioners to locate the capitol had performed the duties assigned them by law, pursuant to section 5 of act No. 65 of session laws of the year 1847, he joined with the commissioner of the land office, on the part of the school fund, James Seymour, Esq., owner of the land adjoining section No. 16, on the north, and with the Messrs. Townsend, by their agents, owners of the land adjoining section No. 16, on the south, to lay out a village.

The survey of the village plat was commenced on section No. 16, on the 14th of May last, and the plat being acknowledged by all the parties, was recorded on the 23d of June, following. The recorded plat includes within its limits the south half of the north half, and the south half of section No. 9, the whole of section No. 16, and the north half of section No. 21, in the township of Lansing, county of Ingham, making an area of two and a quarter square miles.

The thirty acres selected by the commissioners for state purposes, are bounded on the north by Ottawa street, on the south by Allegan street, on the east by the Grand River, and on the west by Walnut street, and is described on the plat as blocks Nos. 99, 100, 101, 110, 111, 112 and 249.

A conveyance of the title of the above described blocks was not made from the school fund to the state, it will, therefore, be necessary for the legislature to order such conveyance, and to provide for the payment of a consideration for the land.

Blocks No. 99, 100, 101, 110, 111 and 112, are subdivided into 48 lots, at an average valuation of two hundred and fifty dollars each, which is lower, in proportion, than the appraisement of lots adjoining them. They will amount to the sum of (\$12,000) twelve thousand dollars, which sum is within a fraction of the whole

amount expended by the state in the erection of buildings, during the past summer. Block No. 249, or "capitol square," contains an area of eleven and a quarter ($11\frac{1}{4}$) acres, and is proposed as the site for the permanent capitol building.

The law having left the choice of a site for the temporary building discretionary with me, I selected block No. 115, (it being a desirable point, near the site for the permanent capitol, and near the centre of section No. 16.) in order that the immediate benefit arising from the location, in the sale of property, should accrue to the state and school fund. This block is subdivided into 12 lots of a quarter of an acre each, and contains in all three acres. It has been appraised at the sum of three thousand four hundred and thirty-seven dollars. Its title is still in the school fund.

The state having engaged in the enterprise of laying out a town, and with a view of deriving a profit from the sale of lots, it would seem, that if possible, she should follow a common usage with proprietors, which is to set apart a block or number of lots on which churches and school houses may be built, and also a lot for a grave yard. The commissioners not having authority to set apart lots on section No. 16 for these purposes, did not make a suitable reservation. If suitable lots could be sold at a reduced price, leased or reserved from sale for a term of years, and thus induce the different denominations of christians to build their churches on or near the centre of the school section, I am confident that the school fund would receive more than a corresponding benefit, in one year, in the increased sale of lots.

The improvements of the public grounds and streets, is also worthy of attention, for, unless something is done on the part of the state to improve its property here, and induce purchases on the school section, it cannot be expected that it will keep pace with the other portions of the town. An amount of money has already been spent during the past summer, by individuals interested in the town in building bridges &c., opening streets and roads for miles, which far exceeds the whole expenditure made by the state.

I have made an estimate of the cost of the several improvements which have been suggested, and which would add much to the

value of the property in the vicinity, and to the comfort and convenience of citizens and visitors.

Not having a levelling instrument at hand to make a correct survey of the ground, the estimate for grading will not be accurate, but will not differ much from the real cost.

To grub and grade that part, of Washington avenue on section 16, one mile in distance,	\$1600 00
To build plank walk, four feet wide, of 2 inch plank, one mile, at \$1 75 per rod,	560 00
To build a bridge across Grand river on Michigan avenue,	1500 00
To clear Michigan avenue, 4 rods wide, and bridge the same where necessary, from Grand river to the east line of section 16, at \$1 00 per rod,	110 00
To clear Allegan street from capitol avenue to west line of section 16,	50 00
To clear away old logs and decayed trees on the 30 acres reserved by the state,	200 00

Total amount for the improvement of section 16, \$4020 00

The capitol having been located on section No. 16, it became my duty to erect the temporary buildings at the expense of the state. I accordingly, on the 8th of May last, advertised to receive proposals for the delivery of material and the construction of the building. On the 3d of June following, a contract was made with Benjamin Porter, of Jackson, to furnish material and construct the building, for the sum of seven thousand one hundred and forty dollars, he being the lowest bidder, and giving ample security for the performance of the contract. He immediately entered upon the work, and continued until Nov. 1st. It then being apparent and acknowledged by him that he could not finish the building under the terms of his contract, I entered into a second contract with him, by which, I, as commissioner, took possession of the work, and retained him as a superintendent. Under this agreement the work progressed from Nov. 1st until the building was so far completed as to be occupied by the legislature. I proposed a settlement with Mr. Porter on the basis of my construction of the contract, and was

informed by his counsel that such a settlement would not be satisfactory. He consequently presented a claim to the legislature, which was referred to the board of state auditors for adjustment.

The account of moneys disbursed by me in the erection of temporary state buildings, &c., is as follows :

To am't paid B. Porter on contract to Nov.

1st, 1847, \$1723 48

To am't paid for work done and material delivered under B. Porter's superintendence, since Nov. 1st, 1847,

5514 27

\$10247 75

To am't paid for capitol, not included in the above,

265 76

265 76

Total cost of capitol to date,

\$10503 51

To am't paid for tenant house

1041 25

“ “ “ out building,

275 27

“ “ “ capitol grounds,

330 28

Amount paid to date,

\$12150 31

To am't of work done and material not paid for,

300 00

Total cost of work,

\$12450 31

CR.

By appropriation from state building fund, \$10,000 00

Am't over and above the appropriation,

\$2450 31

It is desirable that an appropriation for the above amount of two thousand four hundred and fifty dollars and thirty-one cents should be made at an early day.

The buildings will require for their completion and preservation, a further appropriation, as follows :

Outside and inside doors to cellar, and laying a floor in the north end of the cellar,

\$100 00

Mason work and excavation about cellar doors and windows,

40 00

Painting capitol, tenant house, &c., outside,

160 00

“ “ “ “ inside,

160 00

Repairing doors, windows and casings, occasioned by shrinking,	50 00	
2 ladders, with chain, lock, &c.,	25 00	
2 cisterns, 100 bbls. each, to supply water in case of fire, at \$40 00,	80 00	
	<hr/>	\$635 00

For the improvement of the ground upon which the capitol stands, I have made the following estimate:

To remove stumps and level the ground,	\$150 00	
To build a fence, 88 rods, at \$4 00 per rod,	352 00	
To set out 100 trees and stake them, and sow the ground with grass seed,	50 00	
	<hr/>	\$552 00

RECAPITULATION.

To improve streets on sec. 16, build bridges, &c.,	\$4020 00	
Balance over and above appropriation,	2450 31	
Estimated cost to finish and preserve the buildings,	635 00	
Estimated cost to improve present capitol grounds,	552 00	
	<hr/>	\$7657 31

Respectfully submitted,
 JAMES L. GLEN,
Acting Commissioner.

Michigan. February 23, 1848.



REPORT OF THE COMMITTEE ON PUBLIC LANDS.

The committee on public lands, to whom was referred the petition of the inhabitants on the school section upon which the capitol is located, asking the legislature to make an appropriation to clear and grade the streets on said school section, to build a bridge across the Grand river, and to fence and improve the grounds owned by the state, have had the same under consideration, and have directed me to make the following report:

That the variety and magnitude of the improvements sought to be made, would require several thousand dollars to be appropriated, in order to accomplish the design of the petitioners; and the committee have been led, therefore, to the inquiry, out of what fund such appropriation ought to be made if made, at all?

The committee are of the opinion, however, that the only proper object for an appropriation, is the building of a bridge across Grand river, and opening the street that would lead to said bridge. The committee can see no good reasons why the state is called upon to expend money in improving the village of Michigan, any more than any other village of this state.

Individuals become residents of this place by choice, and not by compulsion, and the committee are unable to see why they thereby have any claims upon the state over the citizens of other portions of the state.

The mania for speculation, which over-run the whole civilized world but a few years since, and dragged in its path ruin and bankruptcy, not only to individuals, but stunned the growth, and retarded the onward progress of more than one state in this Union, induced this state to enter largely into a system of internal improvements, and thereby created a large state debt, which has, until recently, been regarded by men abroad as a sufficient reason to induce

emigrants, otherwise disposed to settle in our beautiful and fertile state, to find a home in some one of the other western states.

The lighter therefore, we can render the taxes, the better we shall stand abroad, and the greater will be the immigration to our state.

The inhabitants of our young but flourishing state, have already as high taxes, in view of the amount to be raised annually to pay the interest upon the unliquidated portion of the outstanding indebtedness, as they feel able and willing to pay. The committee are therefore of the opinion that it would be manifestly unjust and burdensome to our citizens at home, and injurious to the state abroad, to appropriate an amount sufficient to make the improvements asked for by the petitioners, from the general fund, which would have to be replaced by a direct tax upon the people.

It has been argued by many out of doors, and indeed by some upon this floor, that such an appropriation ought to be made from the primary school interest fund, upon the ground that such an appropriation would increase the school fund, and that the state, acting as trustee of said fund, is bound to do that which will benefit, or in any manner, and at any period, however distant, add any thing to the principal of the school fund.

This argument looks plausible, and to some no doubt is conclusive, but the committee do not view it altogether in this light.

The general government gave to this state, for the use of primary schools, an amount of lands which at no distant day will create a fund sufficient to enable every youth in the state to receive a good and respectable English education; but such is not *now* the fact. The fund is yet comparatively small. The amount of the interest fund to be distributed the present year is estimated to be about \$35,000, which will be about 35 cents per scholar. The amount distributed in 1847 was \$31,274 74, which was 32 cents per scholar, and the amount for the year previous, (1846,) was \$27,925 74, which was 31 cents per scholar. These facts show, that though the fund is yearly increasing, it has not yet increased to an amount sufficiently large to pay but a small portion of the wages of teachers in our primary schools, and therefore it would do great

injustice to a large portion of the population of our state, who are struggling, with limited means, to give their children an opportunity of receiving a common school education, to make an appropriation from the primary school interest fund, as it would decrease the amount to be distributed to the several districts throughout the state.

While the new counties of the state are sparsely populated, and of course but a few pupils in a district, and the parents are struggling on in clearing and improving their forest farms and securing to their families the necessities of life, the expenses of keeping up schools are severely felt and difficult to meet; and the amount received from the school fund is of great benefit, not only in really assisting to pay their teachers, but by encouraging them on in anticipation of its increase.

Therefore an appropriation from this fund at *this time*, though it *may hold forth* the inducement of a *probable* increase of that fund in the future, would injure the youth of the state, in the opinion of the committee, far more than any *supposed* increase of the fund would benefit future generations, when the inhabitants would be in a more prosperous condition, and consequently more able to support schools without the aid of the money to be derived from that source. The committee are, therefore, of the opinion that no such appropriation ought to be made from this fund, but that it ought to be scrupulously applied to its legitimate object—the support of primary schools.

The state building fund is so small that no appropriation sufficiently large to be of much benefit in making the improvements alluded to, even were the committee of the opinion that any such use of said fund would be proper.

The internal improvement fund is entirely exhausted, and nothing remains to be appropriated for such a purpose but internal improvement lands.

The committee would therefore recommend an appropriation of two thousand acres of these lands for the purpose of making the improvements alluded to as proper in this report.

N. BUEL ELDREDGE,

Chairman.



AUDITOR GENERAL'S OFFICE, }
Michigan, March 2, 1848. }

HON. A. W. BUEL, *Speaker of the House of Representatives :*

SIR :—I have received the following resolution which was yesterday adopted by the House :

“ *Resolved.* That the Auditor General be instructed to furnish to this House with all convenient despatch, the amount of the indebtedness of the Michigan Southern Rail Road Company to this state ; the kind of obligations, the amount of principal and interest, if any, past due and now remaining unpaid, and all and any information now in possession of the Auditor General in relation to the indebtedness of said company to this state.”

In reply to which, I have the honor to state, that in accordance with the provisions of the act authorizing the sale of the said Rail Road, the instalments of principal with the interest due to December 23, 1847, have been paid into the State Treasury by the said company.

The balance of the purchase money for which the company is indebted, amounts to the principal sum of \$400,000, and the interest accruing thereon, which is payable according to the terms of said act.

There is now due and unpaid, the amount of the annual tax on the capital stock of said company, being \$2,500, which was due and payable into the treasury in January last.

There is also held by the state an evidence of the indebtedness of said company, taken by the commissioner of internal improvement for a new locomotive and freight cars sold to them, a copy of which is subjoined :

Resolved, That there is due to John F. Porter, Esq., acting commissioner of internal improvement of the state of Michigan, for the

new locomotive, and for new freight cars placed upon this road since the month of July last, the sum of nine thousand dollars, payable, two thousand dollars and interest on the 28th day of July next, fifteen hundred dollars and interest on the 28th day of October next, twenty-five hundred dollars and interest on the 28th day of February, 1848, three thousand dollars and interest on the 28th day of July, 1848; and the treasurer is hereby authorized and required to pay the said several sums, and at the times above specified, to the said commissioner or his order.

The above is a true copy from the records of the board of directors of the Michigan Southern Rail Road Company, at a meeting of said directors, held this 25th day of December, 1846.

In witness whereof the said directors have caused the corporate seal of said company, and the signatures of their president and secretary to be hereto affixed, the day and year last above mentioned.

(Signed,) J. J. GODFROY, *President.*

CHAS. NOBLE, *Secretary.*

The whole of the above mentioned sum of nine thousand dollars and interest, yet remains unpaid.

I am, sir, very respectfully, yours,

D. V. BELL,

Auditor General.





REPORT OF COMMITTEE ON WAYS AND MEANS.

The committee on ways and means, to whom was referred the Senate bill to amend an act entitled an act to authorize the sale of the Southern Rail Road and to incorporate the Michigan Southern Rail Road Company, have directed me, as their chairman, to report thereon, that, in the opinion of the committee, a simple extension of the time for paying the principal of the purchase money for said road, as proposed by said bill, coupled as it is with a provision for the prompt and continued payment of interest as it becomes due, and with the construction of a further section of said road, thereby increasing the capability and productiveness of the road, and enhancing the security of the state for the final payment, by instalments, of the principal, would not necessarily embarrass the finances of the state, or in any way impair its ability to meet its just engagements, at maturity, inasmuch as a very considerable portion of the principal of our debt will not become due and payable until after the last of the payments by said company, if the time should be extended as proposed by the bill. But as the bill very nearly affects the the rights of an incorporated company, and proposes some radical changes in their charter, and as many of its features appear to be objectionable, without amendments and modifications, the committee recommend the reference of the bill to the committee on banks and incorporations, respectfully suggesting to that committee the propriety of amending the provisions in reference to the state tax, so that the said company shall be compelled to pay such annual tax upon the purchase money, and all added capital stock paid in, also upon all money loaned to said company, and also upon all nett proceeds of said road invested in construction of said road, in permanent fixtures thereon, and in stock there-

for, and also in payment of any instalment of principal due; and also a further amendment by requiring the written assent of the sureties to the \$100,000 bond executed by said company to the state under the second section of the original act of incorporation, said assent to be given to the present act of extension, and recognizing their obligation upon said bond, under the act of incorporation as amended.

F. J. LITTLEJOHN, *Chairman.*

REPORT OF SELECT COMMITTEE.

The select committee appointed under a resolution of the House to ascertain and report the number of acres of internal improvement lands which have been, and are proposed to be appropriated by bills now before the House, and the several objects for which such appropriations have been and are proposed to be made, beg leave to report, that the whole number of acres of internal improvement lands which have been and are proposed to be appropriated by bills now before the House, is one hundred and forty-one thousand and five hundred acres, and for the following objects, viz :

	<i>No. of Acres.</i>
For laying out and improving certain roads in the county of Clinton,	6,000
For certain improvements in the town of Michigan,	2,000
For the benefit of the Holland Colony, in the counties of Ottawa and Allegan,	7,000
For the improvement of a certain road located in the southern tier of townships in the county of Kalamazoo,	2,000
For the improvement of the Detroit and Grand River road between this place and Thornapple river,	5,000
For the improvement of Flat River,	2,000
For the construction of a bridge across Muskegon river, in the county of Newaygo, and for laying out, establishing and improving a road from Newaygo to Grand Rapids,	3,000
For laying out and establishing a certain state road in the counties of Eaton, Barry and Allegan,	4,000
For the improvement of Clinton river, in the county of Macomb,	2,500

For laying out a state road from Lapeer, by the village of Almont, to Port Huron, in the county of St. Clair,	5,000
For improving a state road from Battle Creek, in the county of Calhoun, through Bellevue and Charlotte, in the county of Eaton, to Michigan,	5,000
For the improvement of the Detroit and Saginaw road, within the county of Saginaw,	2,000
To improve the main traveled road from Hastings, in Barry county, to Battle Creek,	2,000
For improving a state road leading from the village of St. Joseph, in Berrien county, to the village of La Grange in the county of Cass,	3,000
For the improvement of the Detroit and Grand River road,	10,000
For improving a state road in the counties of Livingston and Genesee,	2,000
For improving the Pontiac and Grand River state road from the village of Pontiac, in the county of Oakland, to the village of Byron, in the county of Shiawassee,	4,000
To build a bridge across the Clinton river, at Pontiac,	1,000
For improving a certain road in the county of Ottawa, and for building a bridge and causeway at Grand Haven, in said county,	4,000
For the improvement of the Paw Paw river,	10,000
For the state road road from Lexington, in the county of St. Clair to the eastern boundary of Lapeer,	3,000
For the benefit of the Holland Colony in the counties of Saginaw and Tuscola,	3,000
For opening and improving the road from Corunna to the forks of Bad River,	7,000
For making slack water navigation in the river Huron, from the village of Ypsilanti in the county of Washtenaw, to Lake Erie in the county of Wayne,	10,000
For building a free bridge across Flint River at the village of Flint,	5,000
For the improvement of the canal, harbor and navigation at the river Raisin,	5,000

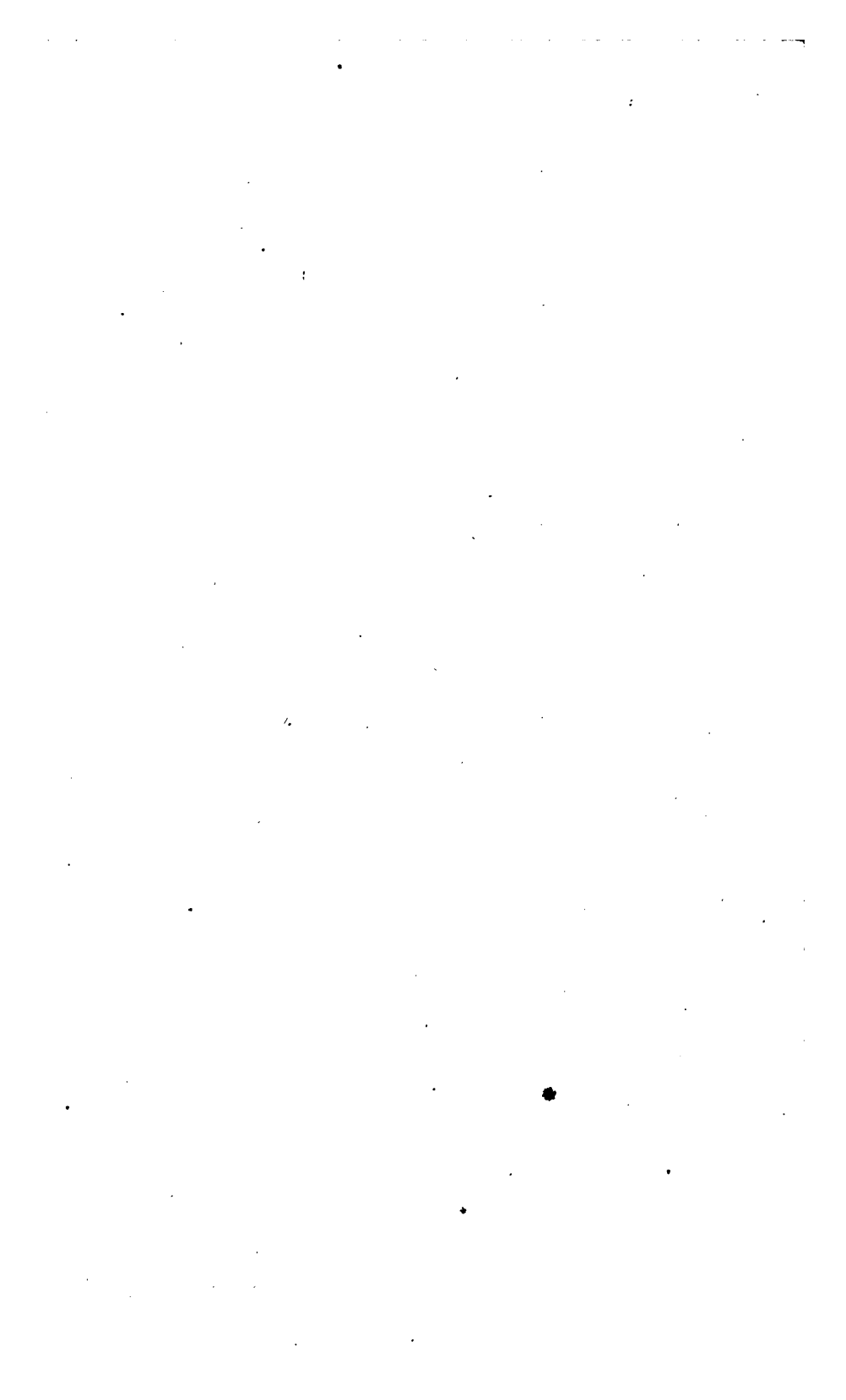
Stock to be taken by the state in the Michigan and Jackson Plank Road, to the amount of	20,000
For opening and improving the state road from Constantine in St. Joseph county, to Paw Paw in Van Buren county, through Cassopolis in Cass county,	7,000
Number of acres,	<hr/> 141,500

Although not within the proper scope of the resolution, your committee would respectfully state that a resolution has been adopted, instructing the committee on internal improvement to bring in a bill, making an appropriation of five thousand acres of these lands for the improvement of the road between Michigan and the village of Mason in the county of Ingham.

All of which is respectfully submitted.

ALMON MACK,
Chairman.

Michigan, March 3, 1848.







HOUSE. }
No. 19. }

} LEGISLATURE,
1848.

OFFICE OF THE SECRETARY OF STATE, }
Michigan, February 14, 1848. }

To the President of the Senate:

SIR:—I have the honor to submit to the Senate an abstract of the reports of the Seperintendents of the poor, of the several counties of this State, for the year 1847, so far as the same have been received at this office.

Very respectfully,

Your obedient servant,

GEO. W. PECK,

Secretary of State.

[illegible]

[a] There is no poor house in this county. There have been no accounts presented either from Justices of the Peace or Directors of the poor. Under the old law, the Justices and the Directors of the poor were in the habit of presenting their accounts to their respective town boards, and they were by them allowed.

[b] This county owns a farm on which the poor of the county are kept. The superintendents advertise for proposals to keep all the poor that may become chargeable upon the county, for a specified time, (which is usually one year,) and the contract is let to the lowest bidder, and he for a specified sum, keeps all who may during his time become a county charge, receiving therefor, such sum as he agrees for in his proposals, and having besides the use of the farm and the benefit of all the labor he may derive from the paupers, he saving the county from all expenses arising from the support of all paupers. The paupers and their treatment being at all times under the supervision and subject to the direction of the board of superintendents of county poor.

[c] No poor house nor farm. The poor let by contract to the lowest bidder.

[d] The sum of \$29 75 of the \$50 20 in the fourth column, was paid to B. Taft as a health officer for the town of Carmel, to attend on the family of a Mr. Foote, having the small pox.

[e] The year ends on the last day of October, 1847. Families relieved are reported as persons. No poor house occupied by the county during the year.

[f] The superintendents suggest the propriety of so altering the law that the poor masters and justices shall draw their orders on the superintendents of the poor, instead of the county treasurer, as they have no means of obtaining the number of persons relieved by their orders on the treasurer.

[g] Of the expenses of such support, \$383 81 was for physicians bills.

[h] The superintendents beg leave to report that in accordance with directions received from the supervisors, they have purchased a farm on Gull Prairie and stocked and improved the same, which constitutes the item \$2157 56. The number of paupers now reported, are permanent ones with one or two exceptions, i.e. the num-

ber 26. The 18 below were stragglers receiving trifling support. In completing our report, we would say that for the last six months previous to the establishment of the poor house, the amount of physician bills paid, was \$277; whereas, by the present management, we have only to pay \$50 for medical services one year.

[i] This county has for some years past, supported its poor by having them kept in different places and furnishing them at their homes until May last, at which time they were bid off at the risk of the bidder, at \$1050 for one year. The county had a farm partially improved, which has been sold for \$1000, the county not deeming it advisable to keep it for the support of the poor. We have an insane person at Battleboro, Vt., Asylum, and two here. Would it not be well for the state to found an asylum for this important class?

[j] Out of the \$1071 81, there was \$217 24 paid for claims against the county for the years 1845-6 leaving the expenses for the current year \$854 57.

[k] The number that have been temporarily relieved cannot be ascertained correctly from the records that have been kept by our predecessors, as families have been relieved in gross, without giving and probably not knowing the exact number; the fault is with the directors in not stating them precisely.

The amount expended for temporary relief, is \$459 61, and is given separately in order to show the abuse to which the system is liable through the directors. Bills for medical aid have been allowed which have not been included in orders for temporary relief to an indefinite amount. If the law contemplates medical assistance, where is the limit? This county has a farm of about 133 acres of land, 60 of which are improved, with good buildings, which are estimated at \$3000. The premises were last year leased and the contractor kept the paupers at 87 cents per week, not including clothing and medical aid. This year the superintendents have made a new contract with the same individual to have the use of the farm and keep the paupers at 90 cents per week, including clothing, medical aid and all other expenses necessary to their support. The item \$1135 22, is the total amount of orders issued

or drawn by the board during the fiscal year, but of that sum, about \$300, were absolutely a part of the expenses of last year which were audited during the present year.

[l] The amount of the \$286 42, except the sums mentioned under the appropriate heads in the report, and except also the sum of \$58 75 paid the two remaining paupers, was expended in fitting out A. K. Smith to the insane hospital at Utica, N. Y., and in supporting him while there. The superintendents are aware that there exists no provision of law authorizing them to send said Smith to another state, but in doing so, they acted under the recommendation and advice of the board of supervisors of the county. Smith became a county charge in consequence of insanity, and we are happy to state that he has been, as we hope, permanently cured.—He is no longer a county charge.

[m.] The county have purchased a farm with stock, for which they are to pay \$1000, \$125 of which has been paid. No paupers have yet been removed, but the farm is now ready for their reception.

[n.] The superintendents have the satisfaction of informing the Hon. Secretary of State that they have succeeded the present year in getting up suitable buildings on the farm owned by the county, and hope for the future to get along somewhat better; but the population constantly increasing, the temporary relief system will naturally increase, as has been the case the present year.

*This amount was expended for temporary relief in the city of Detroit, and nearly all for the relief of foreigners who were shipped from Canada. It is respectfully suggested whether the present laws regulating the poor ought not, in justice to the county of Wayne, and other counties which may be similarly situated, to be changed so as to throw the burthen of this increasing expenditure upon the state at large. Instead of town and county poor, it should be state and county.





HOUSE. }
No. 20. }

} LEGISLATURE,
1848.

EXECUTIVE OFFICE, }
Michigan, March 9, 1848. }

To the House of Representatives :

Transmitted herewith is a communication, this day received by me, from the Hon. Wm. L. Greenly, late acting Governor of the state, being a report of the disbursements made by him under the appropriation of the legislature of 1847, by virtue of a joint resolution entitled "joint resolutions on the existing war with Mexico," approved February 13th, 1847.

EPAPHRO. RANSOM.

To His Excellency, E. Ransom, Governor of Michigan:

In compliance with your request, I transmit to you a report of the disbursements made by me under the appropriation of the Legislature of 1847, by virtue of a joint resolution entitled "joint resolutions on the existing war with Mexico," approved February 13th, 1847. In doing so, I beg leave to suggest some of the adverse circumstances under which the Regiment of Volunteer Infantry, (for the defraying of the expenses of raising which the appropriation above mentioned, was made,) was raised.

Upon the reception of the requisition upon this state from the war department of the United States, it was deemed proper to issue one general order calling upon the patriotic citizens of this state to volunteer for the war, and at the same time promising commissions to those who were most active and efficient in raising companies, provided they were competent, and another order promising the prompt payment of all sums that might be by them necessarily expended in raising and boarding such companies *whenver they should be mustered* into the service of the United States.

It was soon found that the operation of the first order was to induce the opening of too many rendezvous in all parts of the state creating so many divisions that it would be impossible for them to

fill, and there could be but little hope that any of them could succeed. Under the second order, I could find no one who was willing to act, all declining upon the ground, that the regiment might be filled before their company was ready, and thus they subjected to much expense, for which they could have no reasonable hope of repayment. Under these circumstances, it was resolved that the officers should be at once appointed and commissioned, and accordingly, the following appointments were made:

F. W. Cortenius, Capt.	Co. A.
E. A. Rice, 1st Lieut.	" "
P. H. Rawles, 2d "	" "
Samuel A. Rice, " "	" "
G. N. Buel, Capt.	Co. B.
J. E. King, 1st Lieut.	" "
E. Hawes, 2d "	" "
J. E. Schwartz, jr., 2d Lieut.	" "
A. H. Hanscom, Capt.	Co. C.
Thos. H. Hunt, 1st. Lieut.,	" "
C. C. Conant, 2d. "	" "
A. P. Hanscom, " "	" "
N. Griesel, Jr. Capt.,	Co. D.
E. Pitcher, 1st. Lieut.,	" "
J. E. Pittman, 2d. "	" "
H. S. Roberts, " "	" "
J. Wittenmyer, Capt.,	Co. E.
James S. Stuart, 1st. Lieut.,	" "
C. Cummings, 2d. "	" "
Wm. B. Gray, " "	" "
I. S. Rowland, Capt.,	Co. F.
S. Chadwick, 1st. Lieut.,	" "
L. D. Clairoux, 2d. "	" "
Wm. McNair, " "	" "
Daniel Hicks, Capt.,	Co. G.
J. S. Kingsland, 1st. Lieut.,	" "
L. S. Comstock, 2d. "	" "
Brownell, " "	" "

J. VanArman, Capt.,	Co. H.
J. C. Duell, 1st. Lieut.,	" "
J. D. Pierce, 2d. "	" "
E. J. VanBuren, " "	" "
W. W. Dean, Capt.,	Co. J.
Wm. Whipple, 1st. Lieut.,	" "
B. F. Luce, 2d. "	" "
E. Wright, " "	" "
J. M. Williams, Capt.,	Co. K.
Eli Snyder, 1st. Lieut.,	" "
M. Taylor, 2d. "	" "
Goutchies, " "	" "

The above named officers, upon being commissioned went actively and energetically to work raising their respective companies, and during the months of November and December I paid to the officers of said companies, for expenses in boarding the volunteers when enrolled and other incidental expenses, the following sums, to wit:

To Col. T. B. W. Stockton,	\$301 00
" Capt. F. W. Curteneius, Co. A.,	1005 00
" Capt. G. N. Buel, Co. B.,	903 17
" " A. H. Hanscom, " C.,	950 00
" " N. Greusel, Jr., " D.,	\$758 61
" Lieut. E. Pitcher, " "	107 00
" " J. E. Pittman, " "	100 00
	<hr/> 965 61
" Capt. J. Wittenmyer, " E.,	393 24
" Lieut. J. M. Stuart, " "	650 00
	<hr/> 1043 24
" Capt. I. S. Rowland, " F.,	681 05
" Lieut. S. Chadwick, " "	250 00
	<hr/> 931 05
" Capt. D. Hicks, " G.,	1200 00
" " J. Van Arman, " H.,	460 08
" Lt. J. C. Duell, " "	466 00
	<hr/> 926 08
" Capt. W. W. Dean, " J.,	861 54
" Lieut. Wm. Whipple " "	63 00
" " E. Wright, " "	51 50
	<hr/> 976 04

“ Capt. J. S. Williams, Co. K.,	853 42
“ A. S. Williams, printing oaths,	18 00
Total,	<hr/> \$10,165 85

On account of the imperfections in the militia laws of our state, the officers labored under many and serious disadvantages in raising their several companies. There being no provision of law whereby a man who had enrolled himself, and taken the oath of office, and even been boaded, as many of them were, from one week to two months, could be compelled to muster into the service of the United States. In almost every instance, the several captains of companies would report their companies full, consisting of ninety-four, rank and file, and upon their arrival at the barracks, find their companies dwindled down to but twenty or thirty men, and there was no law by which they could be compelled to come. This defect in the law nearly doubled the expense of raising the regiment.

All of which is respectfully submitted.

Your ob't servant,

WM. L. GREENLY.

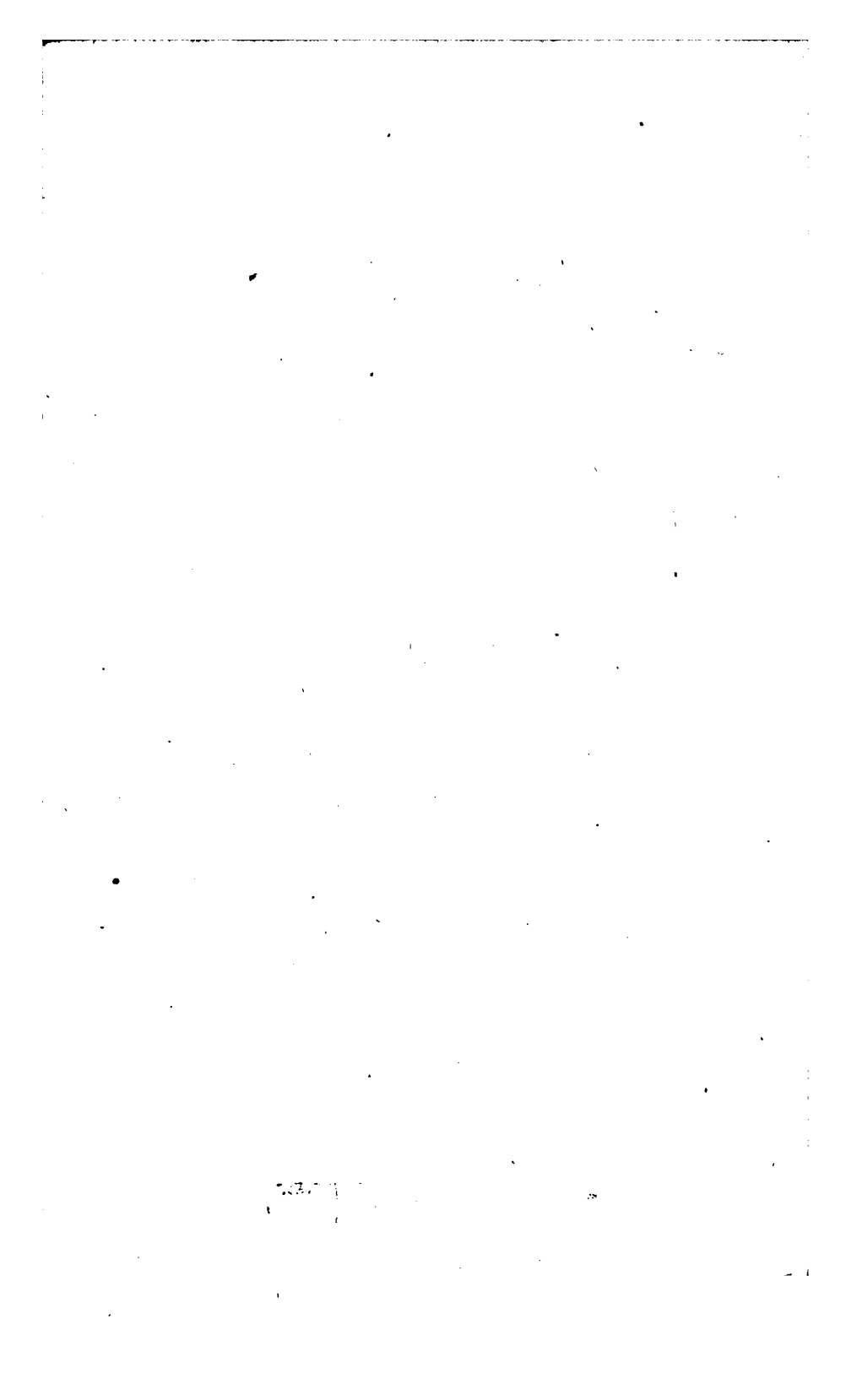
REPORT OF THE COMMITTEE ON INTERNAL IMPROVEMENT.

The committee on internal improvement, to whom was referred a bill entitled "a bill to improve the navigation of the Grand River, in the town of Michigan, as a public highway," respectfully report, that an act entitled an act to authorize the erection of certain dams in Ingham and other counties of this state, approved March 9th 1843, provides that John W. Burchard, his heirs and assigns, may build a dam across Grand River, in Ingham county, on section 9, town 4, north, range 2 west, and that when required by the associate judges of the circuit court of said county, said Birchard, his heirs and assigns shall construct therein or therewith, a convenient lock for the passage of boats, rafts, canoes, and other water craft. Which provision, in the opinion of your committee, sufficiently protects the rights and interests of the public in that respect, and James Seymour, as the assignee of John W. Burchard, may put in such a lock as the wants of the public may require, under the direction of the associate judges of the county of Ingham, without any action on the part of the legislature. And your committee are of the opinion that the right of the said James Seymour to enter upon and overflow lands not his own, whether such lands belong to private individuals, or to the primary school fund of the state, is of the same character of similar rights between individual citizens generally, and that legislative action on the subject does not appear to be necessary.

Still another provision of the bill appears to be objectionable, which is, that the said James Seymour and his heirs may, forever after such lock shall have been completed, be entitled to the surplus water of said river. Although the case is hardly supposable that any individual citizen, having no right to the lands on either side of the river where such dam and lock are situated, would ever claim

the right of the use of the surplus water falling over such dam—yet the state has very prudently reserved, (in this as in other similar cases,) the right to use this water whenever the same shall be necessary for the purpose of internal improvement, or navigation, as will be seen by reference to the proviso in the 5th section of the act referred to, and which, in the opinion of your committee, is a very judicious provision, and one which ought not to be repealed. And finally, from all the information which your committee are able to obtain in relation to the velocity of the river below said dam, there does not appear to be a near, or even a remote prospect of any person or persons raising, or attempting to raise the water below said dam so as injuriously to affect the rights of the said James Seymour; and should such contingency arise, existing provisions of law are, it is believed, abundantly sufficient to remedy the evil. And hence your committee are unanimous in the opinion that no legislation on the subject is necessary.

R. CROUSE.





LEGISLATURE. }
1848.

{ HOUSE DOC.
No. 21.

A List of all the Internal Improvement Lands of the State in the Lower Peninsula remaining unsold, and not by law withheld from sale, up to March 23d, 1848:

KALAMAZOO COUNTY.

Description.	Sec.	Town.	Range.	Quantity.
S e qr of n w qr and n w qr of s e and } n e qr of s w qr	20	4S	9W	120
W hf of s e qr,	30	4	9	80
N e qr of s e qr and s w qr of s e qr,	1	4	10	80
N w qr of s e qr,	7	4	10	40
N e qr of n w qr,	9	"	"	40
E hf of n e qr and n w qr of n e qr,	12	"	"	120
S e qr of s w qr	22	"	"	40
N w qr	23	"	"	160
E hf of n w qr and n w qr of n w qr,	27	"	"	120
S e qr of s w qr,	28	"	"	40
N e qr of n e qr,	35	"	"	40
E hf of n e qr, n w qr of n e qr and n e } qr of n w qr, w hf of n w qr, n e qr } of s e qr, w hf of s w qr,	36	"	"	360
S w qr of n w qr,	1	4S	11W	40
S hf of n e qr,	2	"	"	80
W hf of s e qr,	24	"	"	80
N e qr of s w qr,	26	"	"	40
E hf of n w qr, s w qr of n w qr and w } hf of s w qr,	35	"	"	200

ST. JOSEPH COUNTY.

S w qr of n e qr	7	5S	9W	40
S w qr of n w qr and n w qr of s w qr	18	"	"	80.14
S e qr of n e qr	6	5	10	40
S e qr of s e qr and n w qr of s w qr	13	"	"	80
S e qr of s e qr	2	5	11	40
N w qr of n e qr	11	"	"	40

VAN BUREN COUNTY.

Description.	Sec.	Town.	Range.	Quantity
S w qr of n w qr	1	4S	14W	40
S hf of n e qr	2	"	"	80

SHIAWASSEE COUNTY.

N hf	3	7N	1E	295.52
N hf	4	"	"	286.69
S w qr	3	"	2	160
S e qr, e hf of s w qr & s w qr of s w qr	4	"	"	280
W hf of s w qr	1	8	"	80
Entire,	2	"	"	579.56
E hf	3	"	"	287.57
W hf	4	"	"	291.72
E hf	5	"	"	295.58
E hf of s e qr & n e qr, & n w qr	8	"	"	400
Entire	9	"	"	640
Entire	10	"	"	640
Entire	11	"	"	640
Entire	12	"	"	640
W hf of n w qr	14	"	"	80
N hf, and s e qr	15	"	"	480
N e qr	22	"	"	160
W hf of n w qr	23	"	"	80
s w qr and w hf of n w qr	26	"	"	240
E hf	27	"	"	320
E hf of s w qr	"	"	"	80
Entire	1	7	3	698.17
S w qr, n w qr of s e qr and n hf	2	"	"	567.91
N w qr	4	"	"	188.30
N hf	5	"	"	384.22
E hf of n e qr	10	7	3	80
N w qr ; w hf of n e qr & w hf of s w qr	11	"	"	320
E hf of n w, and w hf of n e qr	12	"	"	160
Entire	1	8	"	687.09
E hf & n w qr	2	"	"	506.69
N hf	3	"	"	331.43
E hf of s w qr	4	"	"	482.26
Entire	10	"	"	640

SHIAWASSEE COUNTY—CONTINUED.

Description.	Sec.	Town.	Range.	Quantity.
W hf, s e qr and w hf of n e qr	11	8N	3E	560
S hf and e hf of n e qr	12	"	"	400
N e qr and w hf of s e qr	13	"	"	240
W hf	14	"	"	320
N e qr	15	"	"	160
E hf & s w qr	24	"	"	480
N hf of s e qr	23	"	"	480
N hf, s e qr and e hf of s w qr	25	"	"	560
S e qr	31	"	"	160
S hf	32	"	"	320
w hf of n e qr and w hf of s e qr	33	"	"	160
E hf and e hf of s w qr	36	"	"	400
S w qr	2	7	4	160
S e qr	3	"	"	160
Entire	4	"	"	696.21
Entire	5	"	"	702.16
N e qr	6	"	"	191.04
S w qr and s w qr of s e qr	7	"	"	252.52
N e qr	8	"	"	160
E hf & s w qr	10	"	"	480
S e qr	11	"	"	160
N hf	14	"	"	320
N e qr	15	"	"	160
S w qr and w hf of s e qr	3	8	"	240
S e qr	4	"	"	160
Entire	5	8	4	482.48
N hf	6	"	"	417.43
Entire	7	"	"	725.68
E hf and n w qr	8	"	"	480
W hf, n e qr and w hf of s e qr	9	"	"	560
N w qr; w hf of n e qr and e hf of s w qr	10	"	"	320
Entire	13	"	"	640
E hf and s w qr	15	"	"	480
W hf of n w qr and n e qr of n w qr	18	"	"	166.72
S w qr and w hf of s e qr	19	"	"	211.44
Entire	20	"	"	640
S hf ; e hf of n e qr and w hf of n w qr	21	"	"	480

SHIAWASSEE COUNTY—CONTINUED.

Description.	Sec.	Town.	Range.	Quantity.
W hf, and w hf of n e qr	22	8N	4E	400
N hf	24	"	"	320
W hf of s w qr	25	"	"	80
E hf	26	"	"	320
N hf	28	"	"	320
N hf; e hf of s e qr and w hf of s w qr	29	"	"	480
E hf of n e qr, e hf of s e qr and w hf	30	"	"	587.92
W hf	31	"	"	434.28
W hf of n w qr	32	"	"	80
E hf n w qr and e hf of s e qr	32	"	"	160
N w qr	33	"	"	160
N e qr	35	"	"	160

SAGINAW COUNTY.

S e qr and w hf of s w qr,	13	9N	4E	240
e hf	14	9	4	420
e hf	23	9	4	320
n e qr and e hf of s e qr	24	9	4	240
e hf of n e qr and e hf of s e qr	25	9	4	160
s hf	31	9	4	368.88
entire	1	11	6	594.00
entire	2	11	6	581.02
n hf and n pt of s hf	11	11	6	542
n hf	12	11	6	320
n pt of s hf	12	11	6	219.92
n e qr and s hf	1	12	6	469.93
e hf of s e	2	12	6	80
e hf n w qr and e hf of s w qr	12	12	6	560
n e qr w hf of s e qr and w hf	11	12	6	560
n e qr and w hf	13	12	6	480
entire	14	12	6	640
"	15	12	6	640
n e qr and w hf	21	12	6	480
e hf n w qr and e hf of s w qr	22	12	6	560
entire	23	12	6	640
e hf n w qr and n hf of s w qr	24	12	6	560
w hf of n e qrs h of n w qr and s hf	25	12	6	480
entire	26	12	6	640

SAGINAW COUNTY—CONTINUED.

Description.	Sec.	Town.	Range.	Quantity.
e hf of n w qr e hf and s w qr	27	12N	6E	560
n hf e hf of s e qr and w hf of s w qr	28	12	6	480
entire	33	12	6	640
e hf e hf of n w qr and s w qr	34	12	6	560
entire	35	12	6	640
e hf n w qr and e hf s w qr	36	12	6	560
w hf	1	10	7	265.40
n hf	2	10	7	195.55
s e qr	9	10	7	160
s hf	10	10	7	320
s hf	11	10	7	320
w hf of s w qr	12	10	7	80
entire	14	10	7	640
"	15	10	7	640
"	22	10	7	640
w hf	23	10	7	320
entire	3	11	7	558.67
"	4	11	7	556.42
"	5	11	7	549.17
e hf and e pt w hf	6	11	7	394.70
n e qr e pt of n w qr and s pt	7	11	7	405.28
entire	8	11	7	640
e hf and s w qr	9	11	7	480
entire	10	11	7	640
w hf of n e qr and n w qr	15	11	7	240
n e qr w hf of s e qr and w hf	17	11	7	560
e pt	18	11	7	36.28
w hf of n e qr and w hf of s e qr and w hf	25	11	7	480
entire	1	12	7	620.54
"	2	12	7	621.24
e hf of s e qr	3	12	7	80
n w qr	4	12	7	152.88
entire	5	12	7	621.74
"	6	12	7	561.52
"	7	12	7	585.68
n e qr and w hf	8	12	7	480
e hf of n e qr e hf of s e qr and w hf	10	12	7	480
entire	11	11	7	640

SAGINAW COUNTY—CONTINUED.

Description.	Sec.	Town.	Range.	Quantity.
entire	12	12N	7E	640
e hf and n w qr	14	12	7	480
n e hf and w hf	15	12	7	480
entire	17	12	7	640
"	18	12	7	592.48
"	19	12	7	598.80
s e hf and e hf of s w qr	20	12	7	240
entire	21	12	7	640
"	22	12	7	640
"	23	12	7	640
w hf n w qr and w hf of s w qr	24	12	7	160
n e qr and w hf	26	12	7	480
entire	27	12	7	640
"	28	12	7	640
"	29	12	7	640
"	30	12	7	605.60
"	31	12	7	610.56
"	32	12	7	640
"	33	12	7	640
"	34	12	7	640
e hf and n w qr and e hf of s w qr	12	13	7	560
e hf e hf n w qr and w hf of s w qr	13	13	7	480
e hf and n w qr	14	13	7	480
s e qr	15	13	7	160
e hf of n e qr and e hf of s e qr	20	13	7	160
entire	21	13	7	640
"	22	13	7	640
e hf and s w qr	23	13	7	480
e hf w hf of n w qr and s w qr	24	13	7	560
entire	25	13	7	640
"	26	13	7	640
"	27	13	7	640
e hf and n w qr	28	13	7	400
entire	29	13	7	640
s hf	30	13	7	280.88
entire	31	13	7	566
s e qr and w hf	32	13	7	480

SAGINAW COUNTY—CONTINUED.

Description.	Sec.	Town.	Range.	Quantity.
s w qr	33	13N	7E	160
n w qr and e hf of s e qr	34	13	7	240
e hf and s w qr	35	13	7	480
entire	36	13	7	640

TUSCOLA COUNTY.

s e qr and s w qr of n e qr	30	12N	8E	200
e hf e hf of n w qr and hf of s w qr	18	13	8	480
w hf frl of n w qr	18	13	8	71.37
w hf frl of s w qr	18	13	8	71.58

GENESEE COUNTY.

w hf	20	9N	5E	320
w hf of n w qr and w hf of s w qr	39	9	5	160
e hf of n e qr and e hf of s e qr and s w qr	30			273.32
e hf of n e qr and n w frl qr	31			195.64

ST. CLAIR COUNTY.

E hf	11	10N	15E	320
W hf of s e qr and s w qr	1	10	16	240
Entire (except lot 5)	4	"	"	780.62
Lots 2, 3, 4, 5, 6 and 7, s hf of n e qr & s e qr & e hf of s w qr & s w qr of s w qr	5	"	"	704.78
S e qr of n e qr	7	"	"	40
W hf of n e qr & n w qr & s e qr & e hf of s w qr	9	"	"	480
N hf of s w qr	10	"	"	80
N e qr; w hf of s e qr and w hf	12	"	"	560
E hf of n w qr and n w qr of n w qr	13	"	"	120
N e qr of n e qr	14			40
N hf of n e qr	21			80

SANILAC COUNTY.

S hf	1	11	15	320
N hf	12	"	"	320
Entire	13	"	"	640
E hf; e hf of n w qr and s w qr	14	"	"	560
W hf	23	"	"	320
W hf of n w qr and s hf	13	12	"	400
W hf	15			320
S e qr	22			160
Entire	23			640

SANILAC COUNTY—CONTINUED.

Description.	Sec.	Town.	Range.	Quantity.
N hf	24	12N	15E	320
S e qr	25			160
Entire	26			640
E hf of s w qr	34			480
Entire	36			640
S hf	6	11	16	320
N hf	7			320
W hf of n w qr	8			80
W hf	19			320
S w qr	20	11	16	160
S w qr	29	"	"	160
N hf and e hf s w qr	30	"	"	400
E hf s e qr, n w qr of s e qr & n e qr of s w qr	31	"	"	160
Entire	18	12	"	640
N hf	19	"	"	320
W hf	29			320
E hf of s w qr	30			480
N hf	31			320

IONIA COUNTY.

Lots 2, 3, 4 and 7	3	8	7	180.67
E hf & e hf n w qr & n w qr of n w qr	4	"	"	472.86
S w qr of n e qr, s hf of n w	5			120
N e qr of s e qr and s w qr	5			200
N w qr of s e qr	8			40
E hf of n w qr & e hf of s w qr	9			160
E hf of n w qr & n w qr of n w qr, n e qr of s w qr	13			160
N hf of n e qr & e hf of n w qr	14			160
S e qr of s w qr	19			40
N e qr and w hf	1	7	8W	520.78
N e qr and w hf	2	"	"	502.18
S e qr	3	"	"	160
Lot No. 3	5	"	"	56.50
N w qr of s e qr	7	"	"	40
S e qr of s e qr	8	"	"	40

IONIA COUNTY—CONTINUED.

Description.	Sec.	Town.	Range.	Quantity.
N e q r of s w q r	9	7N	8W	40
E h f of n w q r & s e q r of s w, & w h f of s w q r	10			200
N e q r of n w, & s w q r of s e q r & s e q r of s w q r	11	7	8	120
W h f of n h f of s e q r & e h f of s w q r	12	"	"	240
W h f of n e q r & e h f of n w q r, s w q r of n w q r	14	"	"	200
N w q r of n e q r & s e q r of n e q r	15			80
S w q r of n e q r	18			40
S e q r of n w q r & e h f of s w q r	24	8	8	120
N w q r of n e q r, s e q r of n e q r & w h f of s e q r, e h f of s w q r, s w q r of s w q r	25			280
W h f of s e q r	30			80
N e q r of n e q r, lots 3 & 4 & w h f of s w q r	33			195.44
S w q r of n e q r & s e q r	35			200
S e q r of n e q r, w h f of n e q r, e h f of n w q r, s e q r and e h f of s w q r	36			440

MONTCALM COUNTY.

W h f	3	9	7	283.87
E h f, n h f of n w q r, e h f of s w q r & n w q r of s w q r	4	"	"	513.02
N h f of s e q r and n h f of s w q r	5	"	"	160
N h f	6	"	"	327.16
N e q r of n e q r and n h f of n w q r	9			200
E h f; n w q r and e h f of s w q r	10			560
N e q r and n e q r of s e q r	15			200
E h f of s e q r and s w q r of s e q r	22			120
N e q r, e h f of n w q r and e h f of s e q r, n w q r of s e q r and s w q r	23			520
Entire	26			607.60
N h f of n e q r, e h f of s e q r, s w q r of s e q r, w h f of s w q r	27			280
S e q r	28	9	7	160
N h f of n e q r & s e q r of n e q r, n w q r & n w of s e h f	31	1	1	315.14
N h f, e h f of s e q r				
N w q r of s e q r and n e q r of s w q r	32			480

MONTCALM COUNTY—CONTINUED.

Description.	Sec.	Town.	Range.	Quantity.
W hf of s w qr	29	1N	1W	80
Entire	33			640
Entire	34			640
Lots 1 & 4 & s e qr of n w qr and s hf	35			424.15
N e qr of s e qr	1	"	8	40
N e qr and lots 1 and 6	4	"		243.64
N e qr of n w qr, s hf of n w qr, n e qr of s e qr, s e qr of s w qr & w hf of s w qr	5			285.41
S hf of n e qr & s e qr of w qr	6			120
N w qr of n w qr	8			40
S hf of n e qr and n w hf of n w qr	10			120
S w qr of n e qr, s w qr of n w qr	11			80
N hf of s e qr	15	"	"	80
S e qr of n e qr, w hf of n e qr, e hf of n w qr, s w qr of n w qr, s e qr, e hf of n w qr, s w qr of n w qr,	19			235.20
N e qr, e hf of n w qr, s w of n w qr, n e qr of s e qr, w hf of s w qr	20			400
N e qr	21			160
N e qr of n e qr & lots 1, 2, 3 & 4 & e hf of s e qr	22			354.95
n e qr of s w qr	38	9	8	40
n hf of n e qr	32	"	"	80
n e qr of n e qr w hf of n e qr e hf of n w qr and n e qr of s w qr	36			240
lots 1, 2, 3, 4 and 7 n w qr n e qr of s w qr,	10	"		533.93
w hf of s w pt	4		"	
entire	8	"	"	640
s e qr e hf n e qr lots 1, 2, 3,	9	"	"	520.50
e hf of s e qr s w qr of s e qr & n w qr of n e qr	17	"	"	160
n w qr of n w qr	17	"	"	40
lots 2, 3 and 6	17	"	"	139.30
n hf and w hf of s w qr	18	"	"	408.98
e hf of n e qr and s w qr of n e qr and e hf of s e qr and lot No. 3,	19	"	"	250.30
e hf s w qr of n w qr e hf of s w qr	20	"	"	440
entire	21	"	"	640

MONTCALM COUNTY—CONTINUED.

Description.	Sec.	Town.	Range.	Quantity.
e h f n w q r e h f s w q r n w q r o f s w q r	28	10N	8W	600
n e q r o f s e q r	30	"	"	40
lots 1 & 2 s w q r o f n e q r n w q r & n h f o f s w q r	31	"	"	355.95
lots No. 3, 6 & 7 & 8 & 9 e h f o f s w q r n w q r o f s w q r	32	"	"	312.65
e h f e h f o f n w q r s w q r o f n w q r e h f s w q r n w q r o f s w q r	33	"	"	560

BARRY COUNTY.

s w q r o f n e q r a n d n w q r	2	1	9	231.09
e h f o f n e q r s e q r o f n w q r a n d w h f o f n w q r e h f o f s e q r s e q r o f s w q r a n d w h o f s w q r	15	2	9	409

KENT COUNTY.

n e q r o f n w q r	5	6N	9W	43.09
n h f o f n w q r	5	7	"	44.50
n w h f o f n w q r	13	"	"	40
s e q r o f s e q r	1	8	"	40
n w q r o f n e q r	3	"	"	63.69
s h f o f n e q r a n d e h f o f n w q r	5	"	"	182.37
s e q r o f s w q r	6	"	"	40
n w q r o f n e q r	7	"	"	67
n e q r o f n w q r (or lot 1,)	9	"	"	34.80
lots 1, 2 and 3,	10	"	"	150.85
s w q r o f s w q r	11	"	"	40
w h f o f s w q r	18	"	"	78.24
e h f o f n w q r a n d n w q r o f n w q r	19	"	"	118.87
s e q r o f n w q r n e q r o f s w q r	22	"	"	80
n w q r o f s e q r & n e q r o f s w q r	24	"	"	80
n e q r o f n e q r n w q r o f n w q r s e q r o f n w q r	25	"	"	120
s e q r o f n e q r n e q r o f s w q r	27	"	"	80
n e q r o f n w q r n w q r o f s w q r	30	"	"	77.37
s w q r o f n w q r	31	"	"	36.36
n w q r o f s w q r	35	"	"	40
n h f o f n w q r	1	9	"	91.79
e h f o f n w q r	2	"	"	88.42

KENT COUNTY—CONTINUED.

Description.	Sec.	Town.	Range.	Quantity.
n e qr of n e qr	7	9N	9W	88.42
lots 1, 2 and 3	8	"	"	109.68
n w qr of n w qr	17	"	"	40
lot No. 3,	18	"	"	39
lot No. 5,	17	"	"	19.15
n w qr of n e qr s e qr of n e qr	19	"	"	80
n w qr of n w qr	20	"	"	40
s w qr of n w qr	32	"	"	40
lot 5, s w qr of s e qr and s hf of s w qr	34	"	"	151.80
s w qr of n w qr	35	"	"	40
e hf of n e qr lots 1, 2 and 3, n hf s e qr s hf of s w qr	13	10	"	424.10
entire	14	"	"	611.10
"	15	"	"	209.97
"	21	"	"	640
"	22	"	"	379.90
n hf w hf of s e qr and s w qr	23	"	"	544.70
s w qr of n e qr n w qr w hf of s e qr e hf of s w qr	24	"	"	360
w hf of n e qr n e qr of n w qr n e qr of s w qr	25	"	"	160
w hf of n e qr and n w qr	26			227.60
n hf and s w qr	27			466.65
entire	28			640
"	33			626.72
w hf n e qr e hf of n w qr lots 1, 2 & 3 & s w qr	34			352.60
lots 1, 2 and 3 and s w qr of n e qr n hf of s w qr	35			260.35
e hf e hf of n w hf lots 1 & 2, e hf of s w qr s w qr of s w qr	36			596.20
e hf s e qr s e qr of s w qr	7	5	10	120
s w qr	8	"	"	160
e hf s w qr	32	6	"	80
n w qr of s e qr	31	"	"	40
n hf of n w qr	5	7	"	68.76
s e qr of n e qr	11	"	"	40

KENT COUNTY—CONTINUED.

Description.	Sec.	Town.	Range.	Quantity
w hf of n e qr and n hf of n w qr	1	8N	10W	224.35
n w qr and n w qr of s w qr	2	"	"	249.12
n hf of n e qrs hf of n w qr w hf of s w qr	3	"	"	290.68
shf of n e qr n hf of s e qr	4	"	"	160
shf of n w qrs w qr of n w qr	5	"	"	167.07
s hf of n w qr	13	"	"	80
s w qr of n e qr n e qr of s w qr	23	"	"	120
s e qr of n w qr	29	"	"	40
s e qr of n w qr				
n e qr of s w qr	36	"	"	80
n e qr of n e qr w hf of n e qr s e qr of s e } qr and w hf of s e qr, w hf	4	9	"	604.80
entire	5	"	"	683.88
e hf and s w qr	6	"	"	517.66
entire	7	"	"	665.06
"	8	"	"	640
n e qr of n e qr w hf of n e qrs e qr of s e } qr w hf of s e qr & w hf	9	"	"	560
w hf of n e qr				
n w qr of n w qr w hf of s e qr	10	"	"	200
s hf of s e qr n hf of s w qrs w qr of s w qr	16	"	"	200
N w qr of s e qr	25	9	10	40
S e qr of n e qr, n w qr of s e qr & lot No. 226				113.40
N w qr of s w qr	32			40
S e qr of n w qr	34			40
S e qr of s e qr, w hf of s e qr	34			120
S w qr of s w qr	36			40
S e qr of n e qr, n hf of s e qr & n e qr of } s w qr	1	5	11	160
S e qr of n e qr & n hf of s e qr	2	"	"	120
E hf, e hf of n w qr, s w qr	13	"	"	560
E hf of s e qr	14	"	"	80
N w qr of s e qr, e hf of s w qr	19	"	"	120
S e qr of s w qr & w hf of s w qr	31	"	"	110.27
E hf of s e qr	32	"	"	80
S e qr of s w qr	36	6	11	40

KENT COUNTY—CONTINUED.

Description.	Sec.	Town.	Range.	Quantity.
Seqr	1	9N	11W	160
Shf of n e qr and n w qr	2	"	"	253.76
N qr, ehf of n w qr	3	"	"	257.03
W hf	4	"	"	339.25
Entire	5	"	"	667.12
N e qr and w hf	6	"	"	508.66
Entire	7	"	"	543.25
Entire	8	"	"	640
W hf	9	"	"	320
E hf of n w qr and s e qr	10	"	"	240
S hf	11	"	"	320
S w qr, n e qr, shf of n w qr, w hf of s e } qr and n e qr of s e qr	12	"	"	520
E hf of n w qr	15	"	"	80
E hf of n e qr & w hf of s e qr, lot 1 & s } w qr of n e qr	18	"	"	241.45
E hf of n e qr, n hf of s e qr, ehf of s w qr	19	"	"	240.00
W hf of s w qr	19	"	"	73.77
S hf and n e qr	20	"	"	480
W hf of n w qr & n e qr of s w qr	21	9	11	120
W hf of n e qr	22	"	"	80
N w qr	24	"	"	160
E hf of s w qr	27	"	"	80
E hf of s e qr & n w qr of s e qr, s e of n } w qr and s e qr of s w qr	28	"	"	200
E hf of n w qr & n e qr of s w qr	29	"	"	120
W hf of n e qr & ehf of n w qr &	30	"	"	160
W hf of n w qr and w hf of s w qr	30	"	"	147.07
S e qr of s w qr	30	"	"	40
S w qr of n e qr & ehf of s w qr	31	"	"	43.34
N w qr of s e qr & n e qr of s w qr	32	"	"	80
E hf of n e qr, n w qr & n e qr of s e qr, } ehf of s w qr	33	"	"	360
N hf	34	"	"	320
S e qr of s w qr	12	5	12	40
W hf of n e qr, n w qr, n w qr of s e qr, e } hf of s w qr	13	"	"	360

KENT COUNTY—CONTINUED.

Description.	Sec.	Town.	Range.	Quantity
N e qr of s w qr	15	5N	12W	40
S e qr of s w qr	18	"	"	40
W hf of n w qr	20	"	"	80
W hf of s w qr	21	"	"	80
S hf of s e hf	22	"	"	80
S e qr of n w qr	23	"	"	40
S w qr of n w qr, e hf of s w qr	28	"	"	120
W hf of n e qr, s w qr of n w qr, n w qr of s e qr	29	"	"	160
W hf of n w qr, n w qr of s w qr	32	"	"	120
N hf of n e qr & n w qr of s e qr, e hf of s w qr	34	5	12	200
S w qr of s e qr	35	1	"	40
S e qr of s w qr	1	8	"	40
N e qr and w hf	1	9	"	515.36
S hf of n e qr, s hf of n w qr & n hf of s w qr	2	"	"	240
N hf of s e qr	3	"	"	80
N w qr of s w qr	4	"	"	40
N e qr of s w qr	5	"	"	40
N e qr, w hf of s e qr and w hf	6	"	"	551.12
N e qr of n w qr, w hf of n w qr, s e qr of s w qr	7	"	"	158.73
S hf of n e qr	11	"	"	80
E hf of n w qr	12	"	"	480
E hf of s e qr and n w qr of s e qr	14	"	"	120
E hf of n w qr	18	"	"	80
N e qr of n w qr	19	"	"	40
E hf of s e qr	23	"	"	80
S hf of n w qr, s e qr, e hf of s w qr, s w qr of s w qr	24	"	"	280
S hf of n e qr, e hf of n w qr & n e qr of s e qr	25	"	"	200
Entire	11	10	"	640
"	12			640
"	13			640
"	14			640
"	15			640
"	17			640

KENT COUNTY—CONTINUED.

Description.	Sec.	Town.	Range.	Quantity.
"	18	10N	12W	635.92
"	19			634.70
"	20			640
"	21			640
"	22			642
"	23			640
"	24			640
"	25			640
"	26			640
"	27			640
"	28			640
"	29			640
"	30			626.39
"	31			630.52
N e qr of n e qr, w hf of n e qr, s e qr of s e } qr, w hf of s e qr and w hf	32			560
E hf, e hf n w qr, n w qr of n w qr, e hf of } s w qr, s w qr of s w qr	33			560
Entire	34			640
N hf, n hf of s e qr, n hf of s w hf	35			480
Entire	36			640

ALLEGAN COUNTY.

N e qr	5	4	11	156.40
w hf	6	"	"	289.07
w hf	7	"	"	296.52
w hf	18	"	"	294.92
n w qr and w hf of s w qr	19	"	"	213.48
s e qr of s w qr	1	"	12	40
n hf of n w qr e hf of s w qr	2	"	"	150.57
n w qr & e hf of s w qr s w qr of s w qr	11	"	"	280
e hf	12	"	"	320
n e qr s e qr of n w qr n hf of s e qr n e qr } of s w qr	13			320
s w qr of n e qr and w hf	14			360
n e qr n e qr of s e qr w hf of s e qr	22			280
s e qr of n w qr	24			40

ALLEGAN COUNTY—CONTINUED.

Description.	Sec.	Town.	Range.	Quantity.
n e q r e h f n w q r s w q r of n w q r	25	4N	11W	\$280
n e q r sec. 27, and w h f of n e q r s e q r of s e q r and w h f of s e q r	28			360

OTTAWA COUNTY.

s h f of n e q r and s h f	32	5	13	400
s w q r of n w q r and n w q r of s w q r	23	7	"	80
w h f of n e q r	26	"	"	80
s e q r of n w q r and n w q r	1	8	"	200
s e q r of s e q r	2	"	"	40
n w q r of n e q r	4	"	"	43.82
n e q r of n e q r w h f of n e q r and w h f	5	"	"	460.42
n e q r of n e q r w h f of n w q r s e q r of s w q r w h f of s w q r	9	"	"	240
n e q r of n e q r and e h f of s w q r	10			120
s w q r of n w q r	11			40
n h f of s e q r	14			80
e h f of n e q r	17			80
n e q r e h f n w q r and n w q r of n w q r s w q r of s e q r n e q r of s w q r	21	8	13	360.00
n w q r	22			160
s e q r of n e q r s h f of n w q r s e q r of s w q r	26			160
n e q r and n e q r of s w q r	27			200
s e q r of n w q r n w q r of s e q r	35			80
s h f of n e q r and n e q r of s e q r	36			120
n e q r e h f of s e q r	1	9	"	239.32
n w q r of n e q r & s w q r n w q r	2	9	"	364.26
entire	3	"	"	647.74
n w q r	4	"	"	162.06
n h f n h f of s e q r and n h f of s w q r	5			488-18
entire	6			610.67
n w q r of n e q r n e q r of n w q r	7			80
n h f	9			320
e h f of n e q r s w q r of s w q r	12			120
w h f of n w q r s w q r of s e q r & e h f of s w q r	13			200
s h f and n e q r and s e q r of n w q r	20			520

OTTAWA COUNTY—CONTINUED.

Description.	Sec.	Town.	Range.	Quantity.
n hf n hf of s e qr				
n e qr of s w qr and w hf of s w qr	21	8N	13W	520
s hf of n e qr & n e qr of n w qr s w qr of } n w qr n e qr of s w qr w hf of s w qr }	24			280
s w qr of n e qr s e qr of n w qr w hf of n w } qr and n w qr of s w qr }	25			200
n e qr of s w qr	26			40
e hf of n w qr	27			80
n hf of s e qr	28			80
s e qr of n e qr w hf of n e qr s hf of n w qr & } s hf }	29			520
entire	31			617.92
"	32			640
s w qr of n e qr s e qr of n w qr & n e qr of s } w qr }	38			120
entire	8	10	"	640
"	9			640
"	10			640
"	13			607.85
"	14			606.25
"	15			640
"	17			640
e hf	18			320
entire	19			590.64
"	20			640
"	21			640
"	22			640
"	23			640
w hf	24			320
w hf	25			320
entire	26			640
	27			640
	28			640
	29			640
	30			587.80

OTTAWA COUNTY—CONTINUED.

Description.	Sec.	Town.	Range.	Quantity.
entire	31	10N	18W	592.72
"	32			640
"	33			640
"	34			640
"	35			640
w hf n e qr and w hf s e qr and w hf	36			480
s hf	13	5	14	320
n w qr	24	"	"	160
n w qr of n w qr	3	7	"	40.54
n w qr of n w qr and s e qr of s w qr	5	"	"	82.32
w hf of s e qr and lot 2,	6	"	"	134.60
e hf n e qr of n w qr & w hf of n w qr	6	8	"	438
e hf e hf of n w qr n w qr of n w qr & s w qr	7	"	"	598.92
n hf s w qr	2	9	"	80
s hf	3	"	"	320
n hf of n e qr & s hf of s e qr	12	"	"	160
n e qr and w hf	10	"	"	480
n w qr e hf of s w qr n w qr of s w qr	13	"	"	280
e hf e hf of n w qr and s w qr	14	"	"	560
s hf of s e qr s hf of s w qr	15	"	"	160
s hf of n e qr & e hf of s w qr e hf of n w qr & s e qr	22	"	"	400
w hf	23	"	"	320
w hf	26	"	"	320
e hf e hf of n w qr s w qr of n w qr & s w qr	27	"	"	600
S hf of n e qr and n hf of n w qr, s hf of s e qr	28	9	14	240
S e qr of s e qr	29	"	"	40
S e qr and w hf	31	"	"	475.68
Entire	32	"	"	640
E hf & s w qr	33	"	"	480
Entire	34	"	"	640
"	35	"	"	640
"	36	"	"	640

OTTAWA COUNTY—CONTINUED.

Description.	Sec.	Town.	Range.	Quantity.
N e qr of n e qr and w hf of n e qr	1	8N	15W	120.16
E hf, s e qr of n w qr, w hf of n w qr & s w ¼	12	"	"	600
Entire	13	"	"	640
N e qr of n e qr, w hf of n e qr, n e qr of n w qr and n hf of s e qr	24	"	"	240
N w qr of s e qr, n e qr of s w qr	21	"	"	80
N w qr of s e qr and n e qr of s w qr	20	"	"	80
N hf of s e qr and n w qr of s w qr	19	"	"	115.36
S e qr of n e qr, w hf of n e qr, e hf of s e qr and n e qr of s w qr	25	"	"	240
N e qr of n e qr, s w qr of n e qr, n e qr of n w qr, s w qr of n w qr, w hf s e qr	27	"	"	240

By act No. 19, of 1847, 25,000 acres were appropriated for the construction of a canal around Grand Rapids; of which the canal company have selected 16,493.74 acres. And they have yet to select from the foregoing list 8,506.26 acres.

By act No. 40 of 1848, amount appropriated for Newaygo bridge and roads,	Acres,	3,000.00
Amount now selected,		1,583.80
Amount to be selected,		1,416.20

To the Honorable the Legislature of the State of Michigan:

The trustees of the Michigan Central College, through their superintendent, beg leave to state, that at the time of the call, by your honorable body for a report from said institution, their agent was absent on business, and did not return, although immediately sent for, until a very few days since.

The time fixed for your adjournment is so close at hand, that it will be impossible for us to make any thing like a definite report prior to that period.

We should be glad of an opportunity to be heard in your honorable body, and could make our report in full if you should continue in session until the 10th of April next.

We will give you a very brief statement of our accounts, and it will not vary materially from a full report :

Amount of outstanding debts (due)	\$647 50	
Am't of outst'g debts due prev's to Jan., 1, 49,	674 49	
	<hr/>	\$1,321 99
Amount of money due to M. C. C.,	2,100 00	
Am't to become due previous to Jan. 1, 1849,	1,700 00	
	<hr/>	\$3,800 00
Contemplated expenditures up to Jan. 1, '49,	100 00	

E. J. THOMPSON,
Superintendent M. C. C.





REPORT OF THE COMMITTEE ON FEDERAL RELATIONS.

The committee on federal relations, to whom was referred resolutions of the states of Tennessee and Alabama, approving of Mr. Whitney's plan of a rail road from Lake Michigan to the Pacific Ocean, respectfully report :

That the transmission of said resolutions to the Executives of the several states, seems to call for a public expression on the subject, through the proper organs ; and the work proposed, affecting as it does in an eminent degree, the whole Union and its future destiny, deserves the serious attention of the public press, the people in their primary assemblies and their local legislatures.

The project is, to authorize individuals or a corporation, under the general supervision of the federal government, to build the road from the proceeds of lands along the line, to be sold for that purpose.

The obvious benefits of the work would be the practical annexation of the Oregon country to the United States, the settlement of the wide domain west of our border states and territories, and the opening, with peculiar advantages, a commercial intercourse with the islands of the Pacific and the remote countries of Asia.

Recent events have rendered Oregon an important concern to our government. It is, no doubt, destined to be extensively settled, and its resources developed. The tide of emigration now setting in that direction, proves that at no distant day, on a large scale, it is to be the field of American enterprise, and filled with its achievements. When that time arrives, it is difficult to perceive how it can flourish under the same government with us, without other means of connection and intercourse than now exist. That similarity of sentiment, of habit, of manners, and community of interests among the same people, which are essential to popular go-

vernment and peaceful pursuits, can only be procured by constant and various intercourse. As we are now situated, Oregon can be viewed only in the light of a distant, detached province. The ties of kindred and origin may suffice to bind us together for a period, but, without a close and constant communication, it will, in process of time, be almost a matter of course for the inhabitants of Oregon to assert their independence. Their representation in Congress would be almost impracticable. It has been said by high authority, that "the natural limit of a republic is that distance from the centre which will barely allow the representatives of the people to meet as often as may be necessary for the administration of public affairs." A rail road to the Pacific would annihilate space, and bring Oregon within this limit.

The immense territories stretching to the west and contiguous to the road, would be sold and settled. The great labor required in its construction, and the facilities afforded for travel and market, would attract immigration from the various quarters of the globe. Many employed on the work would select permanent residences along its route, and form nuclei for more extended settlements. Looking back but a third of a century upon the wonderful growth of the valley of the Mississippi and the lake country, owing much to their public improvements and facility of markets, who can doubt, that with such a channel of travel and commerce as would be afforded by the proposed railway, with the annually increasing tide of foreign immigration, the swelling population of the present states, forming a vast hive of future swarms of emigrants, at no remote period the wave of population would sweep westward over the Rocky Mountains, and thus convert the whole continent to the dominion of man and civilization.

The incidental benefit arising from the sale of public lands would be a large item. By the success of the revelation—the cessions of several states and the purchase of Louisiana and Florida, the Union became invested with an immense uncultivated territory. To encourage the sale and settlement of this domain as rapidly as possible has ever been the settled and successful policy of the general government; partly for the revenue derived therefrom, but prin-

pally to extend and strengthen the confederacy—augment its wealth and develop its resources. Nothing could more conduce to the improvement of that vast inland region between our western boundary and the Pacific, now so difficult of access and so distant from market, than the work under consideration.

In any event, the Union would not be a loser by authorizing this great project. Without it, much of the property proposed to be expended cannot be sold in a century, if ever. If the road should realize the expectations of its advocates, it could be profitably sold, should such a disposition be deemed expedient.

While in its infancy, and in the event of a war between this country and any powerful nation with a naval armament, Oregon would be peculiarly exposed to invasion and conquest. With the contemplated road so easily could troops and munitions of war be thrown into that country, that its defence would be entirely practicable. As now situated, a few campaigns would cost as much as the construction of the road.

This enterprise would greatly increase our commerce with the Sandwich and other Islands of the Pacific. They are rapidly improving in civilization and commerce; and owing to their peculiarly fortunate situation, are destined to ultimate importance. Beyond these are the various empires of Asia. This work would open and complete a route to that continent far preferable to any that now exists. We are nearer the commercial nations of Asia, by a direct western route, some 10,000 miles, than Great Britain is by way of Cape Horn or the usual eastern route. It is easily seen what an advantage this would give us over all others in that vast commerce which hardly admits of computation. Hitherto England has monopolized much of it, and has drawn from thence untold wealth. With superior advantages, shorter distance, the enterprise and expansive power of our people would most successfully compete with her, and with all the world.

The market thus offered for our fabrics and products would be of vast value. Such a market will soon be needed. Our manufactures are increasing with great rapidity. The unsurpassed skill of our people is pushing this branch of American industry to a wonderful extent. We are beginning to compete with that coun-

try whose energies are mainly employed in manufacturing. There is no apparent reason why ours should not, with an adequate market, excel every other country in the industrial arts. But the greatest occasion for extending our market results from the abundance of our agricultural products. These are annually increasing. The European demand, lately our chief reliance, will not, it is feared, much longer exist. The improvements in the science of agriculture are likely to enable even the most densely populated territories where the masses are enlightened, and the farmer instructed in his calling, to raise in a great measure their own supplies. But Europe, taken as a whole, is not very thickly peopled, and it will be singular should it generally depend in this respect upon the western continent. But the crowded cities and empires of Asia might furnish an inexhaustable demand for the products of our soil—expanding with the growth of our mutual commerce, and adequate to our wants in all coming time.

These are some of the benefits to be expected from the completion of this work. That it would be a great undertaking is undeniable. But so of the results; not local or partial, or temporary—but of national importance, worthy of this great Republic, whose achievements in the arts of peace and the spread of civilization, are above all example. Your committee therefore recommend the passage of the following joint resolutions.

H. STONE, *Ch'n.*

J. P. KING,

E. L. CLARK,

JEHIEL ENOS,

R. B. DIMOND.

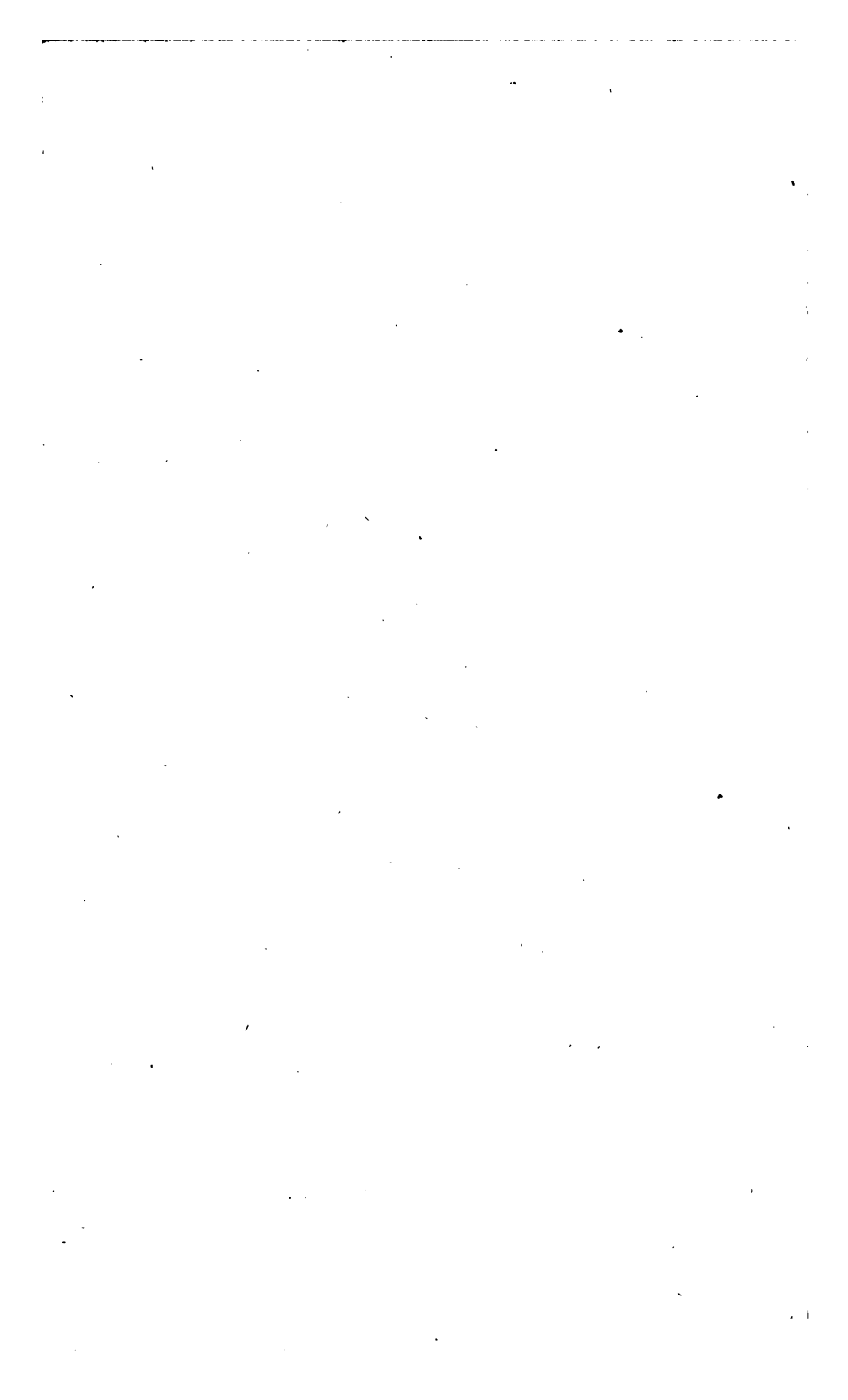
JOINT RESOLUTION respecting a Pacific Railroad.

Resolved, by the Senate and House of Representatives of the State of Michigan, As the sense of this legislature, that we approve of the project of a Railroad from Lake Michigan to the Pacific Ocean, and the plan of constructing the same proposed by Mr. Whitney, believing that it would greatly promote the settlement of our western domain—strengthen the confederacy of the states and territo-

ries, and vastly increase our commerce on the Pacific and with Asia.

Resolved, That this enterprise be recommended to the serious and favorable consideration of the delegation from this State in the Congress of the United States.

Resolved, That the Governor be requested to forward to each of our Senators and Representatives in Congress a copy of these resolutions.





REPORT OF COMMITTEE ON FEDERAL RELATIONS.

The committee on federal relations to whom were referred a report and resolutions of the general assembly of the commonwealth of Kentucky, touching certain proceedings in the town of Marshall, denominated an abolition mob, and also a memorial of an anti-slavery society recently convened at Ann Arbor, asking a law to prohibit aid by the citizens of this state, and the use of our jails in the recapture of persons claimed by citizens of other states as fugitive slaves, report:

That they have deemed it proper to give their views on the request from both sources, in connexion, as they relate to one general subject and are partially in conflict.

By the report and resolution from Kentucky, it appears that in January 1847, a citizen of that state attempted to recapture six colored persons alleged to be fugitive slaves, and then living in the village of Marshall; that a large number of negroes and white men thereupon assembled, and by threats prevented the arrest and removal of the colored persons claimed as slaves, and subsequently caused the agent in pursuit to be prosecuted and imprisoned. In consequence of these proceedings the general assembly of Kentucky shortly after resolved "that the legislature of the state of Michigan be, and is hereby respectfully, but earnestly requested to give the subject that consideration which its importance demands, and to take such action thereon as in the judgment of said legislature is deemed proper and right, with a view to maintain that peace, amity and good feeling which ought to exist between the citizens of the state of Michigan and Kentucky, and for the purpose of enabling the citizens of Kentucky to reclaim their runaway and fugitive slaves to the state of Michigan." They also request their delegation in congress to urge the passage by that body, of laws to enable

them to recapture their slaves in free states, and sanction them with the severest penalties that the constitution will tolerate.

That any thing should occur to interrupt the good feeling and friendly intercourse which ought ever to subsist between the several members of a confederacy like ours, should be a source of regret to every citizen of the Union. It cannot be disguised however, that the sentiments of the north and south respectively on the subject of slavery are widely variant—in some instances utterly repugnant. The slaveholder looking on his slaves as an inferior race, reared under the system, constantly habituated to it, protected in it by their statutes, and claiming a still higher guaranty in the federal constitution, cling to the institution and resent every real or supposed interference with it, as strenuously as in the case of the most sacred right of human nature. On the other hand citizens of free states usually regard the institution as morally wrong and injurious to the best interests of the community that tolerate it. Viewing it at a distance, and in that heavenly light which shines above all mere human invention that originate in wrong and rest in prescription, accustomed to compare its blighting effects as seen in some of the southern states, with the blessed influences of free labor and equal liberty as exhibited elsewhere, and feeling with all their force the reproaches cast upon us all over christendom for the alleged scandal and disgrace of holding millions in bondage in the midst of the boasted model republic, cannot permit without the utmost impatience the appearance of involuntary servitude within their borders.

The power of recapture, in its practical operation and abstractly considered, is one of the worst phases of human slavery. A fellow-being, guilty of having been burnt by an African sun, or born in a land of slavery, has sought that freedom which is the birth-right of our race, and can be forfeited for crime only. He becomes attached to the place of his adoption—to the society around him—and not unfrequently, bound to it and to them by all the ties and endearments of home, of kindred and friends. But the vigilance of his former master has found him out. He is seized on a sudden—perhaps in the dead of night—snatched from the midst of his family, and hurried away to slavery and despair.

These circumstances are mentioned, not to question the legal power of the master to reclaim his fugitive slave, or to justify those outbreaks of public sympathy complained of in the report and resolutions, but rather to suggest the difficulty of preventing and controlling these natural instincts by legal enactments, and to ask from the generosity and chivalry of the south "to pardon something to the spirit of Liberty." Indeed, the highest court of judicature in the state of Kentucky has declared that slavery exists "by positive law of a municipal character, without foundation in the law of nature, or the unwritten and common law." The supreme and revered courts of most of the slave States, have proclaimed the same doctrine.

All will admit, however, that the ordinance of 1787, and under that the constitution of the United States, as regards the recapture of runaway slaves, equally with their other provisions, are binding upon us. Thus far, we of the north must and should submit. And although exceptions may be found under exciting circumstances, it may yet be truly affirmed that the citizens of the non-slaveholding States, and especially those of this State, are generally disposed to stand by those solemn compacts and fulfil all their guaranties.

The practical question presented by the papers referred to us, is—ought the legislature of this State to enact laws on the subject of reclaiming fugitive slaves? The ordinance provides that there shall be no slavery in the territory northwest of the Ohio, which embraces Michigan: "Provided, always, that any person escaping into the same, from whom labor or service is lawfully claimed, in any one of the original States, such fugitive may be lawfully re-claimed and conveyed to the person claiming his or her labor or service as aforesaid." This statute imposes no positive duty respecting the recapture of fugitives from service upon the new States north-west of the Ohio. It is simply a reservation of the power to the slaveholder, and a stipulation of permission on the part of the inhabitants of that territory. It implies, and by implication enjoins a non-interference by the State authorities or by legal enactments, to prevent the recapture. But surely it does not impose any positive duty.

The provision on the subject in the federal constitution, in terms, is slightly different. The fugitive shall not be discharged from service by any law or regulation of the State, "but shall be delivered up on claim of the party to whom such service or labor may be due." A very liberal construction of this might seem to impose on the State some positive duty respecting the delivery. But according to a well established rule the construction should be *in favorem libertatis*. To *deliver up* is ambiguous, and often means merely the converse of withhold—that is, to let alone.

And to this construction the ordinance restricts the proviso in question. That ordinance was in fact, and so expressly declared therein, to be "articles of compact between the original States and the people and States in the said territory;" and that they should forever remain unalterable unless by common consent. The people of the Northwest Territory were parties to that compact. Every settler then in the Territory of Michigan was a party to it, and may insist by virtue of this vested sacred right, upon the exclusion of slavery from our soil to the full extent of this noble provision of the ordinance, and subject only to the right of reclamation as therein specified.

This limited and consistent construction of the clause seems to have been entertained and sanctioned by Congress shortly after the constitution was adopted. In 1793 a statute was passed by that body prescribing the mode of exercising this act of recapture. That law is still in force and covers the whole ground. The General Assembly of Kentucky recognize this power in Congress and call upon it through the delegation of that State, to provide the utmost penalties for any and every resistance to the exercise of this power over fugitive slaves.

It is true they likewise request action to the same end on the part of this Legislature. This request seems based on the assumption that we have concurrent jurisdiction with Congress over the subject. But supposing this originally correct, the prior action of the federal legislature, providing the means and manner and imposing high penalties, is necessarily inconsistent with, and exclusive of, state legislation. Ought there to be a two fold penalty, one state, one national, for the same offence? Distinct tribunals, different